

enact a law for the Federal supervision of the production and distribution of motion pictures; to the Committee on Interstate and Foreign Commerce.

7260. Also, memorial of the faculty of Sayre School, of Lexington, Ky., signed by J. C. Hanley, president, memorializing Congress to enact a law for the Federal supervision of the production and distribution of motion pictures; to the Committee on Interstate and Foreign Commerce.

7261. By Mr. CAMPBELL of Iowa: Petition of the Woman's Christian Temperance Union of Cherokee, Iowa, and the Woman's Christian Temperance Union of Alta, Iowa, requesting Congress to enact a law for the Federal supervision of motion pictures establishing higher standards before production for films that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

7262. By Mr. GARNER of Oklahoma: Petition of Carrier Oklahoma Parent-Teachers' Association, Carrier, Okla., in favor of maintaining department of education under a separate head; to the Committee on Education.

7263. Also, petition of Enid Trades Council, Enid, Okla., in support of House bill 9232; to the Committee on Labor.

7264. By Mr. HICKEY: Petition of Luther Lane and other residents of South Bend, Ind., urging the early passage of House bill 8976, to equalize the pensions of the veterans of Indian wars with those of other wars; to the Committee on Pensions.

7265. By Mr. HILL of Washington: Petition of Charles W. White and 22 other citizens of Spokane, Wash., urging passage of the Robison-Capper educational bill; to the Committee on Education.

7266. By Mr. HUDSON: Petition of citizens and ex-service men of the World War, of Fowlerville, Mich., urging the payment of the adjusted compensation certificates to the needy ex-service men in the very near future; to the Committee on Ways and Means.

7267. By Mr. MOREHEAD: Petition of Hon. M. M. Nickum and many others, in regard to the Robison-Capper free public school bill; to the Committee on Education.

7268. By Mr. NEWHALL: Resolution of Kentucky conference, Women's Missionary Society, signed by Mrs. J. C. Lewis, president, and Mrs. H. B. Schuermann, secretary, requesting the House of Representatives to pass legislation providing for Federal supervision of motion pictures that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

7269. By Mr. O'CONNOR of New York: Resolution of the New York Mercantile Exchange, favoring passage of Senate bill 108; to the Committee on Agriculture.

7270. Also, resolution of the United Irish Counties Association, of New York City, for the repeal of the national-origins clause of the immigration laws; to the Committee on Immigration and Naturalization.

## SENATE

WEDNESDAY, May 14, 1930

(Legislative day of Tuesday, May 13, 1930)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Farrell, its enrolling clerk, announced that the House had passed the following bill and joint resolution of the Senate:

S. 4015. An act to provide for plant patents; and  
S. J. Res. 163. Joint resolution to carry out certain obligations to certain enrolled Indians under tribal agreement.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 7405) to provide for a 5-year construction and maintenance program for the United States Bureau of Fisheries.

The message further announced that the House had agreed to the amendment of the Senate to each of the following bills of the House:

H. R. 668. An act for the relief of A. J. Morgan;  
H. R. 1251. An act for the relief of C. L. Beardsley; and  
H. R. 7768. An act to provide for the sale of the old post office and courthouse building and site at Syracuse, N. Y.

The message also announced that the House had passed a joint resolution (H. J. Res. 328) authorizing the immediate appropriation of certain amounts authorized to be appropriated by the settlement of war claims act of 1928, in which it requested the concurrence of the Senate.

### ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 2400. An act to regulate the height, exterior design, and construction of private and semipublic buildings in certain areas of the National Capital;

S. 4221. An act for the disposal of combustible refuse from places outside of the city of Washington;

H. R. 156. An act to authorize the disposal of public land classified as temporarily or permanently unproductive on Federal irrigation projects;

H. R. 1793. An act for the relief of Albert L. Loban;

H. R. 9850. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near New Martinsville, W. Va.; and

H. R. 10248. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Moundsville, W. Va.

### CALL OF THE ROLL

Mr. FESS. Mr. President, I suggest the absence of a quorum. The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

|           |              |                |               |
|-----------|--------------|----------------|---------------|
| Allen     | Fess         | La Follette    | Simmons       |
| Ashurst   | Frazier      | McCulloch      | Smoot         |
| Baird     | George       | McKellar       | Steak         |
| Barkley   | Gillett      | McMaster       | Stelwer       |
| Bingham   | Glass        | McNary         | Stephens      |
| Black     | Glenn        | Metcalf        | Swanson       |
| Blaine    | Goldsborough | Norris         | Thomas, Idaho |
| Blease    | Greene       | Oddie          | Thomas, Okla. |
| Borah     | Hale         | Overman        | Townsend      |
| Bratton   | Harris       | Patterson      | Trammell      |
| Brock     | Harrison     | Phipps         | Tydings       |
| Broussard | Hastings     | Pine           | Vandenberg    |
| Capper    | Hatfield     | Ransdell       | Walcott       |
| Caraway   | Hawes        | Reed           | Walsh, Mass.  |
| Connally  | Hayden       | Robinson, Ark. | Walsh, Mont.  |
| Copeland  | Hebert       | Robinson, Ind. | Waterman      |
| Couzens   | Howell       | Robison, Ky.   | Watson        |
| Cutting   | Johnson      | Schall         | Wheeler       |
| Dale      | Jones        | Sheppard       |               |
| Deneen    | Kendrick     | Shipstead      |               |
| Dill      | Keyes        | Shortridge     |               |

Mr. COPELAND. My colleague the junior Senator from New York [Mr. WAGNER] is absent from the Senate to-day on official business connected with the investigation of campaign expenditures. I ask that this fact may be noted in the RECORD for the day.

Mr. FRAZIER. My colleague [Mr. NYE] is unavoidably absent for the day on official business. I wish this announcement to stand for the day.

Mr. McMASTER. I desire to announce that my colleague the senior Senator from South Dakota [Mr. NORBECK] is unavoidably absent. I ask that this announcement may stand for the day.

Mr. SHEPPARD. I wish to announce that the Senator from Florida [Mr. FLETCHER] and the Senator from South Carolina [Mr. SMITH] are detained from the Senate by illness.

Mr. BLACK. I desire to announce that my colleague the senior Senator from Alabama [Mr. HEFLIN] is necessarily detained in his home State on matters of public importance.

The VICE PRESIDENT. Eighty-one Senators have answered to their names. A quorum is present.

### CAUSE OF DECLINE OF COTTON PRICES (S. DOC. NO. 148)

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, reporting tentatively relative to Senate Resolution 149, directing that certain investigations be made through the Grain Futures Administration pertaining to the transactions in cotton futures, including the cause of the decline in prices during the years 1926, 1927, 1928, and 1929, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

### PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the petition of the Citizens' Joint Committee on Fiscal Relations between the United States and the District of Columbia, signed by Theodore W. Noyes, chairman of the executive committee; E. F. Coladay, chairman citizens' joint committee and vice chairman of the executive committee; and other citizens representing civic and other organizations, all of the District of Columbia, praying that the Congress return in its appropriation practice to the 60-40 definite proportionate contribution plan provided by the substantive law of 1922, and, further, that, while the lump-sum payment plan of national contribution toward Capital upbuilding continues as the annual exceptional appropriation practice, the amount of such lump-sum payment shall be largely increased, which, with the accompanying statement presenting an

argument urging substantial enlargement of the Federal contribution to the District bill, was referred to the Committee on Appropriations.

He also laid before the Senate a resolution adopted by the New York Commandery, Military Order of the Loyal Legion of the United States, at New York, N. Y., favoring the passage of legislation to establish a national Lincoln museum and veterans' headquarters in the building known as the Ford Theater, where President Lincoln was assassinated, which was referred to the Committee on the District of Columbia.

He also laid before the Senate resolutions adopted by the executive committee of the Department of the District of Columbia, the American Legion, protesting against the location of any permanent airport in the vicinity of the Arlington National Cemetery, and also urging the abandonment of the landing fields now maintained in that vicinity, which were ordered to lie on the table.

He also laid before the Senate a resolution adopted by the citizens' committee, National Patriotic Association, assembled at Chicago, Ill., urgently soliciting the Senate "to give full thought and consideration to the so-called naval pact before any ratification thereof involves the whole future of our country," which was referred to the Committee on Foreign Relations.

He also laid before the Senate a telegram embodying a resolution adopted by the general conference of the Methodist Episcopal Church South, assembled at Dallas, Tex., signed by James Cannon, jr., chairman, and E. L. Crawford, secretary, Board Temperance and Social Service, favoring the prompt passage of the proposed law-enforcement measures now pending, which was referred to the Committee on the Judiciary.

He also laid before the Senate petitions of sundry citizens of New York City, N. Y., praying for the passage of legislation designating the Star-Spangled Banner the national anthem, which were referred to the Committee on the Library.

He also laid before the Senate a communication from John T. Cuppy, of Arizona, relative to claim for certain Papago Indian lands, which, with the accompanying statement, was referred to the Committee on Indian Affairs.

Mr. FESS presented a petition of sundry citizens of Washington Court House, Ohio, praying for the passage of the so-called Rankin bill, being the bill (H. R. 10381) to amend the World War veterans' act, 1924, as amended, which was referred to the Committee on Finance.

#### JUDGE JOHN J. PARKER

Mr. BLEASE. Mr. President, I ask unanimous consent to have printed in the RECORD a short editorial from the Columbia (S. C.) Record of May 12, 1930, entitled "The South in the Nation."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Columbia (S. C.) Record, May 12, 1930]

#### THE SOUTH IN THE NATION

The rejection of the nomination of Judge Parker, of North Carolina, for a seat on the Supreme Bench of the United States is a distinct blow to the South.

The linking up of the American Federation of Labor with the National Association for the Advancement of Colored People is unfortunate. It was purely accidental. It may have no harmful effects upon either organization. But it will be remembered. Charges of an alliance, however unjust, will have to be disproved. This is all aside from the matter as the rejection of Judge Parker affects the South.

It is hard to say which had the greater influence, the Federation of Labor or the Society for the Advancement of Colored People. So far as the federation is concerned, it undoubtedly would be exerted against nominees from the North with as much discrimination as those from the South. The whole question with it is one of attitude toward labor and toward the things for which it stands. It is not sectional and never will be.

But the Association for the Advancement of Colored People is largely sectional in effect, if not in reality. It certainly in this matter showed that it controlled a number of votes. Members of the Senate up for reelection this fall, or in sections where the fate of the Republican Party is uncertain, bowed to the association and voted against Judge Parker.

This will not have a healthy effect in the South. It will not tend to decrease race animosities. These have been softening. There will now be another taking of stock and possibly readjustments. It is too early to say what the effects will be. The action of the Senate will not be helpful.

#### REPORTS OF COMMITTEES

Mr. DALE, from the Committee on Commerce, to which was referred the joint resolution (S. J. Res. 168) declaring the transfer of the St. Charles Bridge over the Missouri River on Na-

tional Highway No. 40 not a sale, reported it without amendment and submitted a report (No. 650) thereon.

Mr. DENEEN, from the Committee on the Judiciary, to which was referred the bill (H. R. 7822) amending section 2 and repealing section 3 of the act approved February 24, 1925 (43 Stat. 964, ch. 301), entitled "An act to authorize the appointment of commissioners by the Court of Claims and to prescribe their powers and compensation," and for other purposes, reported it with amendments and submitted a report (No. 651) thereon.

#### ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on to-day, May 14, 1930, that committee presented to the President of the United States the following enrolled bills:

S. 2400. An act to regulate the height, exterior design, and construction of private and semipublic buildings in certain areas of the National Capital; and

S. 4221. An act for the disposal of combustible refuse from places outside of the city of Washington.

#### REPORTS OF POSTAL NOMINATIONS

Mr. PHIPPS, as in executive session, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were placed on the Executive Calendar.

#### BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BINGHAM:

A bill (S. 4456) granting a pension to William Larson (with accompanying papers); to the Committee on Pensions.

By Mr. HOWELL:

A bill (S. 4457) to correct the military record of George H. Henning, alias Charles H. Hammond; to the Committee on Military Affairs.

By Mr. HASTINGS:

A bill (S. 4458) for the relief of John Pearce Cann; and  
A bill (S. 4459) for the relief of John A. Cranston, of Wilmington, Del., and the former stockholders of the F. K. Wills Construction Co.; to the Committee on Claims.

By Mr. ODDIE:

A bill (S. 4460) to increase the authorization for an appropriation for the expense of the Sixth Session of the Permanent International Association of Road Congresses, to be held in the District of Columbia in October, 1930; to the Committee on Foreign Relations.

By Mr. ROBINSON of Indiana:

A bill (S. 4461) granting an increase of pension to John A. Bresler; to the Committee on Pensions.

By Mr. SIMMONS:

A bill (S. 4462) for the relief of Vincent P. Rousseau; to the Committee on Military Affairs.

By Mr. SHIPSTEAD:

A bill (S. 4463) to authorize the issuance of certificates of citizenship to native-born citizens; to the Committee on Immigration.

A bill (S. 4464) authorizing the free transmission in the mails of certain experiment station articles; to the Committee on Post Offices and Post Roads.

By Mr. REED (for Mr. GRUNDY):

A bill (S. 4465) granting a pension to Julia M. Wark; to the Committee on Pensions.

By Mr. BAIRD:

A bill (S. 4466) to make a correction in an act of Congress approved February 28, 1929; to the Committee on Military Affairs.

By Mr. REED:

A bill (S. 4467) to repeal the provision of the War Department appropriation act of February 28, 1929, relating to the number of private mounts of officers of the Army; to the Committee on Military Affairs.

By Mr. HAWES:

A bill (S. 4468) granting an increase of pension to Ruth T. Guffin (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON:

A bill (S. 4469) granting a pension to Rosa Ann Wilson; to the Committee on Pensions.

A bill (S. 4470) for the relief of Thomas F. McVeigh; to the Committee on Military Affairs.

A bill (S. 4471) for the relief of Charles Arnold Gruner; and  
A bill (S. 4472) for the relief of Robert M. Kube; to the Committee on Naval Affairs.



By Mr. ALLEN:

A bill (S. 4473) granting compensation to Agnes M. Angle (with accompanying papers); to the Committee on Claims.

By Mr. FESS:

A joint resolution (S. J. Res. 177) to provide for the erection of a monument to William Howard Taft at Manila, P. I.; to the Committee on the Library.

By Mr. STEIWER:

A joint resolution (S. J. Res. 178) to make available to the Congress the services and data of the Interstate Legislative Reference Bureau; to the Committee on the Library.

#### HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H. J. Res. 328) authorizing the immediate appropriation of certain amounts authorized to be appropriated by the settlement of war claims act of 1928, was read twice by its title and referred to the Committee on Finance.

#### CHANGE OF REFERENCE

On motion of Mr. REED, the Committee on Military Affairs was discharged from the further consideration of the joint resolution (H. J. Res. 222) for the appointment of a joint committee of the Senate and House of Representatives to survey and investigate the pay, allowances, pensions, compensations, emoluments, and retired pay of all persons who served in the military and naval forces of the United States in any war, and it was referred to the Committee on Pensions.

#### CITIZENSHIP AND NATURALIZATION OF MARRIED WOMEN

Mr. CAPPER submitted an amendment intended to be proposed by him to the bill (H. R. 10960) to amend the law relative to the citizenship and naturalization of married women, and for other purposes, which was ordered to lie on the table and to be printed.

#### AMENDMENTS TO LEGISLATIVE APPROPRIATION BILL

Mr. PHIPPS submitted an amendment intended to be proposed by him to House bill 11965, the legislative appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

At the proper place in the bill to insert:

"That the Secretary of the Senate and the Clerk of the House of Representatives are authorized and directed to reimburse from the contingent funds of the Senate and of the House, respectively, until otherwise provided for, to one clerk or to one assistant clerk to each Senator and/or Representative, or to one clerk or assistant clerk to each committee of the Senate and to each committee of the House, such amounts as may be necessarily paid by said clerk or assistant clerk for railroad fare, Pullman charges, and minor expenses of travel, from Washington, D. C., to the place of residence in the State of the Senator or Representative by whom employed, at the time such trip is made, and return therefrom; said reimbursement being hereby expressly limited to one round trip for each regular, extra, or special session of Congress or of the Senate or House, to and from said place of residence, for not to exceed one said clerk or assistant clerk, by the most direct route of travel, such reimbursement to be claimed on vouchers certified by the respective Senators or Representatives employing said clerk or assistant clerk and approved by the chairman, respectively, of the Committee to Audit and Control the Contingent Expenses of the Senate and/or the Committee on Accounts of the House that such travel has been actually performed and the expense therefor actually incurred."

Mr. PHIPPS also submitted an amendment intended to be proposed by him to House bill 11965, the legislative appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 6, line 5, strike out the word "three" and insert in lieu thereof "assistant clerk, \$2,580; two," so as to read: "Post Offices and Post Roads—clerk, \$3,900; assistant clerk, \$2,880; assistant clerk, \$2,580; two assistant clerks at \$2,220 each; additional clerk, \$1,800."

#### GENERAL SURVEY OF INDIAN CONDITIONS

Mr. FRAZIER. Mr. President, I ask unanimous consent to introduce a resolution, and I ask for its immediate consideration. I do not think it will lead to any discussion.

The VICE PRESIDENT. Let the resolution be reported.

The resolution (S. Res. 263) was read, considered by unanimous consent, and agreed to, as follows:

*Resolved*, That Senate Resolution No. 308, agreed to June 19, 1929, continuing in full force and effect Senate Resolution No. 79, agreed to on February 1, 1928, authorizing the Committee on Indian Affairs to make a general survey of Indian conditions, hereby is continued in full force and effect until the expiration of the Seventy-first Congress: *Provided*, That any officer or employee of the Bureau of Indian Affairs whose official conduct may be under investigation by said committee shall have the right to appear before the committee in person or by counsel and cross-examine any witness appearing before the committee.

#### EXTENSION OF TIME FOR FILING CLAIMS WITH MIXED CLAIMS COMMISSION

Mr. BORAH submitted the following resolution (S. Res. 264), which was referred to the Committee on Foreign Relations:

Whereas under the settlement of war claims act of 1928 as amended American nationals had until July 1, 1928, within which to file claims against Germany under the treaty of Berlin of August 25, 1921, for the consideration and decision of the Mixed Claims Commission, United States and Germany; and

Whereas many of the notices of claims filed since July 1, 1928, and many that would be filed, in the event an extension of time is granted, have been and would be by American seamen and others who have suffered personal injuries and property losses when American merchant ships were destroyed or damaged by torpedoes discharged by German submarines; and

Whereas the expenses of the United States incurred in connection with the Mixed Claims Commission, United States and Germany, are met by a deduction from the awards made to American claimants, and as there will be no cost to American taxpayers should the life of said commission be continued: Therefore be it

*Resolved*, That the President be, and he hereby is, requested to enter into an agreement with the Government of Germany by which the Mixed Claims Commission, United States and Germany, will be given jurisdiction of and authorized to consider and decide claims falling under Part VIII, reparation clauses, of the treaty of Versailles as carried into the treaty between the United States and Germany restoring friendly relations concluded August 25, 1921, notice of which is filed with the Department of State on or before March 10, 1931. If such agreement is entered into before October 1, 1930, awards in respect of such claims shall be certified under subsection (a) of section 2 of the settlement of war claims act of 1928 as amended, and shall be in all other respects subject to the provisions of said section 2.

#### MYTHOLOGY, TRADITION, AND HISTORY OF NEW MEXICO (S. DOC. NO. 147)

Mr. BRATTON. Mr. President, with the help of others, and through much research, I have compiled some very interesting data respecting the mythology, tradition, and history of New Mexico, as well as a brief outline of her governors, Senators, Representatives in Congress, and Delegates to Congress. This review, though brief, begins as far back as 1598 and extends throughout her several régimes to the present. On account of its educational value, particularly to citizens of the State, and especially the school students, I ask that it may be printed as a Senate document.

The VICE PRESIDENT. Without objection, it is so ordered.

#### EXECUTIVE MESSAGE AND APPROVALS

A message in writing was communicated to the Senate from the President of the United States by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following act and joint resolution:

On May 12, 1930:

S. 2589. An act authorizing the attendance of the Marine Band at the Confederate veterans' reunion to be held at Biloxi, Miss.

On May 13, 1930:

S. J. Res. 165. Joint resolution authorizing the settlement of the case of United States against the Sinclair Crude Oil Purchasing Co., pending in the United States District Court in and for the District of Delaware.

#### SPANISH WAR PENSIONS

Mr. ROBINSON of Indiana. Mr. President, I ask unanimous consent that the order of the Senate made yesterday disagreeing to the amendment of the House to the bill (S. 476) granting pensions and increase of pensions to certain soldiers, sailors, and nurses of the war with Spain, the Philippine insurrection, or the China relief expedition, and for other purposes, be rescinded, and also the appointment of conferees on the part of the Senate by the Vice President.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBINSON of Indiana. I now move that the Senate concur in the amendment of the House, and that the House be requested to return the papers to the Senate.

The motion was agreed to.

#### EXECUTIVE MESSAGE REFERRED

The VICE PRESIDENT laid before the Senate a message from the President of the United States nominating Alfred A. Wheat, of New York, to be chief justice of the Supreme Court of the District of Columbia, to succeed Walter I. McCoy, resigned, which was referred to the Committee on the Judiciary.

## THE MEAT PACKERS AND THE CHAIN STORES

Mr. SCHALL. Mr. President, I present an article of interest entitled "The Meat Packers and the Chain Stores," which I ask leave to have published in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

## THE MEAT PACKERS AND THE CHAIN STORES

During the present session of Congress the United States Senate has shown considerable interest in the efforts by Armour & Co. and Swift & Co. to set aside the packers consent decree, which on two occasions has been held to be valid by the Supreme Court of the United States.

This decree was entered in the Supreme Court of the District of Columbia on February 27, 1920, in a suit brought by the United States Government against the "Big Five" meat packers—Swift & Co., Armour & Co., Wilson & Co., Morris & Co., and Cudahy Packing Co.—charging violations of the Federal antitrust laws. The Government's petition in the suit charged that the packers' "attempts to monopolize have resulted in complete control in many of the substitute food lines (referring to products other than meat). They have made substantial headway in others. The control is extensively and rapidly increasing. New fields are gradually being invaded, and, unless prevented by a decree of this court, the defendants (meaning the 'Big Five' meat packers) will, within the compass of a few years, control the quantity and price of each article of food found on the American table."

Early in February, 1917, President Wilson directed the Federal Trade Commission to make an investigation concerning the production, manufacture, and distribution of foodstuffs, and in July, 1918, the commission made its first report to President Wilson, in which it said:

"It appears that five great packing concerns of the country—Swift, Armour, Morris, Cudahy, and Wilson—have attained such a dominant position that they control at will the market in which they buy their supplies, the market in which they sell their products, and hold the fortunes of their competitors in their hands."

President Wilson had consulted Mr. Hoover, who then was United States Food Administrator, and in September, 1918, we find that Mr. Hoover, in reporting to President Wilson, pointed out with reference to the Chicago meat packers, "There is here a growing and dangerous domination of the handling of the Nation's foodstuffs." The complete letter from Mr. Hoover to President Wilson was inserted in the CONGRESSIONAL RECORD by Senator BLACK on January 17, 1930, and it shows very clearly what were the views of Mr. Hoover at that time.

Shortly after the Federal Trade Commission made its voluminous report to President Wilson concerning the meat-packing industry the Department of Justice began presentation to Federal grand juries of evidence of unlawful combinations in the meat-packing industry and violations of the antitrust statutes. While the grand jury proceedings were pending representatives of the meat packers went to Attorney General Palmer for the purpose of adjusting their difficulties. The result of their negotiations was the packers consent decree, and upon its entry the grand jury proceeding terminated.

The decree directed the packers to dispose of their holdings in public stockyards, stockyards railroads and terminals, public cold-storage warehouses, market newspapers; to disassociate themselves from the retail meat field; and the decree perpetually enjoined the defendants from manufacturing, selling, transporting, and distributing grocery products, which have been called "unrelated lines."

The packers accepted the decree, and for reasons of their own. At that time there was pending in Congress a bill which finally became the packers and stockyards act. In its original form this bill contained provisions regulating the meat packers in all their endeavors. But with the consent decree entered in the Supreme Court of the District of Columbia the packers came to Congress with the argument that there was no need for the legislation as originally proposed because of the existence of the decree. The legislation then pending was amended and made less objectionable to the packers. Senator NORRIS at the time said that Congress did not legislate concerning the matters in the decree because it assumed that "what the decree did would be permanent law." On January 17, 1930, discussing the situation on the floor of the Senate, Senator NORRIS stated:

"I think ordinarily we should not be busying ourselves about decrees of court, and that the Attorney General ought to use his own discretion in acting on them; but I think this is a case, when we consider the origin of this decree, in which the Congress of the United States is directly interested, because it would have legislated without any doubt had this decree not been entered into, and the decree was entered into for the purpose of preventing legislation by Congress, with the object, I think, of having it all set aside as soon as Congress adjourned."

After securing amendment of congressional legislation on the subject, which was to their own advantage, the packers in September, 1921, urged the Department of Justice to consent to modification of the decree. This effort was made by the California Cooperative Canneries, ostensibly an independent growers' association, but in reality, as was shown, a concern heavily indebted to and undoubtedly acting for Armour & Co. Undoubtedly there would have been modification, if not entire nullification, had it not been for the efforts of the independent

food trade of the country. An interdepartmental committee was appointed and for several weeks this committee heard the protests of the independent food merchants of this country, with the result that the committee made its recommendations to Attorney General Daugherty to the effect that modification was a matter for the courts, and the matter has been before the courts since 1921. After the California Cooperative Canneries had failed in its first attempt to have the decree set aside, Armour and Swift, who consented to the decree, made an attack on its validity and their move finally was disposed of by the United States Supreme Court in March, 1928. The court held the decree valid and binding (Swift & Co. v. U. S., 276 U. S. 311). In a recent letter to Senator McNARY (CONGRESSIONAL RECORD, p. 3495) Attorney General Mitchell said: "The provisions of the decree, especially with reference to packer ownership of stockyard stock and handling of unrelated commodities, have never been fully complied with."

The California Cooperative Canneries, mortgaged to Armour, was finally permitted to intervene in the proceeding by the Court of Appeals of the District of Columbia, and on motion of the canneries the Supreme Court of the District of Columbia suspended operation of the decree in 1925 because of a contract which the canneries had with Armour & Co., and the decree remained suspended until the Supreme Court of the United States, in May, 1929, held that the canneries never should have been permitted to intervene, and the court in its opinion said:

"When our opinion in the Swift case—the original opinion upholding the decree—settled that \* \* \* the court of appeals was without jurisdiction \* \* \* and that the consent decree is valid, all obstacles to the enforcement of the consent decree should have been promptly removed." (279 U. S. 553.)

Despite these two opinions of our highest court, both Armour and Swift in August, 1929, again moved in the Supreme Court of the District of Columbia for modification—really nullification—of the consent decree, urging that they be permitted to own their own retail meat stores, to manufacture and distribute grocery products generally, and to use their vast systems of distribution, including privately owned refrigerator cars and branch houses throughout the country, in the distribution of these products.

The Government filed an answer to these petitions of Armour and Swift alleging that the petitions do not "state or include facts sufficient in law or equity to entitle the petitioners to the relief therein prayed, or to any relief."

The Attorney General stated in a letter to Senator McNARY that "the purpose of this answer is to require them to establish their case in all particulars," and Mr. Mitchell further says that "the department will also offer evidence of such facts as may appear pertinent to the issue presented." There is one statement in the Attorney General's letter which it is difficult to understand in view of the fact that the Government for almost 10 years has been fighting to maintain this decree against the packers. That statement reads: "The department's further action must in some measure depend on developments, as the case is fully presented to the court." Is it to be inferred from this statement that the Department of Justice may in the future consent to some modification of this decree which the Government fought to uphold through the Supreme Court of the United States? The Attorney General represents the people of the United States, and, as Senator NORRIS said on January 17, "he should not consent to modification of the decree unless he would be willing to recommend that a law to the same effect should be changed, because really that is what it is." The Attorney General stated publicly that the attitude of the Department of Justice toward these petitions "will be determined at the conclusion of the hearing upon the evidence presented to the court."

The evidence, we suppose, would be that relating to the allegations of the packers in their petitions. These packers state that there have been radical changes in economic conditions in the country, and that the development of great chain-store systems and the expansion of smaller meat packers warrant modification of the decree in order to promote competition. It is very plain that if the chain stores are threatening to become an unlawful monopoly, it is the duty of the Government to enforce the antitrust statutes against them rather than to release from a court decree another potential monopoly. Are we to assume that the unshackling of one group in the hope that they will make war against others in the field will result in public benefit?

On February 27, 1930, the Supreme Court of the District of Columbia heard argument on the motions of several intervenors—National Wholesale Grocers' Association and American Wholesale Grocers' Association—to dismiss the packers' petitions for modification. At that time the Government was asked by the court to file a brief in support of those provisions of its answer to the effect that the packer petitions should be dismissed because they do not state facts sufficient to entitle Armour and Swift to any relief whatever. On April 2, both Armour and Swift filed amended petitions which are not materially different from their original petitions. The Government has filed an answer to these amended petitions, but in this second answer the Attorney General does not ask that the packer petitions be dismissed. He merely challenges Armour and Swift to strict proof of the allegations of their



amended petitions. The Attorney General has not filed a brief as requested by the court on February 27, 1930, and the recent answer of the Attorney General seems to indicate a change in the attitude of the Department of Justice, which for 10 years has fought to uphold the decree.

The New York financial papers are predicting that the packers, if released from the consent decree, "will probably manufacture canned goods and foodstuffs and distribute them through their own extensive distributive channels and, in addition, organize their own chain-store systems." It is said by a magazine called *Printer's Ink* that one organization of meat packers has made preparations to open 500 stores. Bear in mind that the meat packers are possessed of a fleet of privately-owned refrigerator cars which, if this decree is scrapped, would give to them advantages not enjoyed by any distributor or group of distributors in this country. What is to become of the independent-food business of this country if the Department of Justice now should take or should permit action which would nullify the effort and expense to the Government in attempting to maintain a decree which represents a real accomplishment after almost 40 years of effort to regulate the meat packers, beginning at the time of the enactment of the Sherman antitrust law? The packers are contending that because the chain-store systems have become a potential monopoly, the Government should release them from the terms of the consent decree. The result would be the extermination of the independent food merchant of this country. It is inconceivable that the independent food merchant of this country would be able to exist between growing chain-store organizations and a huge system of packer-owned chain stores.

It is to be noted that the packers now contemplate a far more dangerous attempt to monopolize the production and distribution of the Nation's food than was threatened at the time of the entry of the decree. Then they limited their activities to the production and wholesale distribution of food products, whereas now they desire to engage in retailing also, so that our food supply will be under their control until it reaches the consumer's mouth.

If, as the packers have stated in their petitions, there are questions of economies involved which warrant nullification of this decree, the Attorney General and the United States Senate should have the facts, and there is no agency better qualified to gather economic facts than the Federal Trade Commission.

The Federal Trade Commission act provides in section 6 that the commission, on its own initiative, may make investigations to determine whether a final decree against any defendant corporation in a suit brought by the United States under the antitrust laws is being carried out; and the same section provides that the commission, on application of the Attorney General, shall make such investigation and transmit to the Attorney General a report of its findings and recommendations. So far as we know, the Attorney General has not requested the commission to make an investigation of this situation, nor has the commission on its own initiative begun such an investigation.

The Senate is alive to this phase of the matter, and we find that Senator NYE has introduced a resolution (S. Res. 120) calling on the Federal Trade Commission to investigate concerning the status of the decree and the efforts of the packers to scrap it, and to report to the Senate with the commission's recommendations on the public policies involved.

Important questions of public policy are involved here; the antitrust policy of the Department of Justice also is involved. Nullification of this decree unquestionably would establish a precedent for similar action with respect to other consent decrees.

#### CONFEDERATE FLAG IN SENATOR BLEASE'S OFFICE

Mr. BLEASE. Mr. President, I ask unanimous consent to have printed in the *RECORD* a short article which appeared in the *Daily Mail*, of Anderson, S. C., on Friday, May 2, 1930.

The PRESIDING OFFICER (Mr. FESS in the chair). Without objection, it is so ordered.

The article is as follows:

[From the *Anderson Daily Mail*, Anderson, S. C., Friday, May 2, 1930]  
**FLAG OF THE CONFEDERACY FLIES ON CAPITOL HILL—THE STARS AND BARS HANG FROM THE RECEPTION ROOM OF COLE. L. BLEASE IN SENATE OFFICE BUILDING**

By Herbert Plummer

WASHINGTON.—The flag of the Confederacy flies on Capitol Hill perhaps for the first time in history.

And the arch defender of the "lost cause"—Senator COLE. BLEASE—planted it there.

The Stars and Bars hang from the reception room of his office in the Senate Office Building. The flag faces the pictures of Robert E. Lee and Stonewall Jackson. And it hangs just under the palmetto flag—State emblem of South Carolina—and the pictures of Hampton, Gary, and Butler, those great generals who served under Lee.

To "COLEY" BLEASE goes the distinction of being the first United States Senator ever to be presented with the flag of the Confederacy, and to have it placed in his office.

#### ENTHUSIASM

"COLEY" never lets an opportunity slip to tell of his love and admiration for the gray hosts of Lee. Senate colleagues have heard him boast more than once that South Carolina was the first State to secede from the Union—fired the first shot in the Civil War.

"I come from the State which was the mother of secession," he has thundered again and again on the floor of the Senate—"which has produced some of the bravest men who were ever seen on a battle field."

And as often have Senators heard from his lips:

"Lee did not surrender—his soldiers were perishing; they were overpowered, outnumbered, but they were not cowed."

But "COLEY" scales the heights when he tells them:

"When I cease to praise and defend the southern soldiers and the flag of the Confederacy 'this poor, lisping, stammering tongue will lie silent in the grave.'"

There's a reason for BLEASE's enthusiasm. His father was one who wore the gray. Eleven of his relatives served the Confederacy.

#### PICTURESQUE

It was a picturesque affair—the presentation of the Stars and Bars the other afternoon in BLEASE's office on the first floor of the Senate Office Building.

The daughter of the designer of the Confederate flag made the presentation. Representative FRED DOMINICK, of South Carolina, made a speech, in which he told BLEASE:

"Take this flag—

"For though conquered, we adore it,  
 Love the cold dead hands that bore it;  
 Weep for those who fell before it,  
 Pardon those who trailed and tore it."

A telegram was read which expressed the hope that the flag "will bring you a blessing and benediction in your work for our country."

"COLEY" responded in acceptance with great gallantry and feeling. The climax came when the Senator had concluded.

Major Rose, one of General Mosby's men, stepped forward, and amid a deathlike silence, kissed the flag.

#### RADIO MERGER

Mr. DILL. Mr. President, I ask unanimous consent to have printed in the *RECORD* the petition of the Attorney General in the District Court of the United States for the District of Delaware for the dissolution of the Radio Trust. It is a petition for a dissolution of the biggest combination of this kind in the history of the country, and I think it will answer a great many questions that are being asked as to what it means.

There being no objection, the petition of the Attorney General was ordered to be printed in the *RECORD*, as follows:

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF DELAWARE

In Equity No. 793

UNITED STATES OF AMERICA, PETITIONER, v. RADIO CORPORATION OF AMERICA, GENERAL ELECTRIC CO., AMERICAN TELEPHONE & TELEGRAPH CO., WESTERN ELECTRIC CO. (INC.), WESTINGHOUSE ELECTRIC & MANUFACTURING CO., R. C. A. PHOTOPHONE (INC.), RCA RADIODOTRON CO. (INC.), RCA VICTOR CO. (INC.), GENERAL MOTORS RADIO CORPORATION, AND GENERAL MOTORS CORPORATION, DEFENDANTS

#### Petition

The United States of America, by Leonard E. Wales, United States attorney for the district of Delaware, acting under the direction of the Attorney General, brings this proceeding in equity against:

1. Radio Corporation of America (hereinafter called Radio Corporation), a corporation organized and existing under the laws of the State of Delaware.
2. General Electric Co. (hereinafter called General Electric), a corporation organized and existing under the laws of the State of New York.
3. American Telephone & Telegraph Co. (hereinafter called Telephone Co.), a corporation organized and existing under the laws of the State of New York.
4. Western Electric Co. (Inc.) (hereinafter called Western Electric), a corporation organized and existing under the laws of the State of New York.
5. Westinghouse Electric & Manufacturing Co. (hereinafter called Westinghouse), a corporation organized and existing under the laws of the State of Pennsylvania.
6. R. C. A. Photophone (Inc.), a corporation organized and existing under the laws of the State of Delaware.
7. RCA Radiotron Co. (Inc.), a corporation organized and existing under the laws of the State of Delaware.
8. RCA Victor Co. (Inc.), a corporation organized and existing under the laws of the State of Delaware.
9. General Motors Radio Corporation (hereinafter called GMRC), a corporation organized and existing under the laws of the State of Delaware.

10. General Motors Corporation (hereinafter called General Motors), a corporation organized and existing under the laws of the State of Delaware.

11. Radio Corporation, General Electric, Telephone Co., Western Electric, and Westinghouse are hereinafter sometimes referred to as the primary defendants.

12. All allegations in this petition are intended to include the present tense except where otherwise stated.

13. The term "future patents" as used herein includes all patents and patent rights which have been acquired subsequent to the date of the combination herein alleged and which may be acquired in the future.

14. The District of Columbia and Territories of the United States are intended to be included within the words "State" or "States" used herein except when otherwise shown.

15. The defendants Radio Corporation and Telephone Co. are engaged in the transmission and reception, by radio or wireless telegraph and telephone, of messages, signals, and the like, between places in the several States of the United States, between the United States and foreign countries, and between places in the United States and places outside of the United States. Said transmission and reception will be hereafter referred to as radio communication.

16. The defendants Radio Corporation, General Electric, Westinghouse, and Telephone Co., and other persons and corporations, are engaged, as hereinafter shown, in transmitting and disseminating images, pictorial reproductions, intelligence, information, talks and addresses on various subjects, music, entertainment and the like, and advertising to promote trade and commerce in commodities, services, and other articles, by radio among the several States of the United States, between the United States and foreign countries, and between places in the United States and places outside of the United States. Said transmission and dissemination will be hereinafter referred to as radio broadcasting. Apparatus used or useful for the reception of radio broadcasting will be hereinafter referred to as radio receiving sets.

17. The defendants and other persons and corporations are engaged at factories and other plants located in the several States of the United States, as hereinafter shown, in manufacturing and fabricating radio apparatus, that is to say, apparatus used and useful for radio communication, radio broadcasting, recording and reproducing sound in connection with motion pictures and for certain scientific and commercial processes. The defendants and other persons and corporations, as hereinafter shown, have been and are selling and leasing radio apparatus to, and otherwise making radio apparatus available for use by, persons and corporations located in States other than the State or States wherein said apparatus has been and is being made and fabricated as aforesaid. Radio apparatus so sold, leased, and otherwise made available for use, has been and is being transported and shipped from the aforesaid factories and plants to said purchasers, lessees, and other persons and corporations located in States other than the States in which said apparatus has been and is being made and fabricated. Said manufacture and fabrication, sale, leasing, transportation, and shipment of radio apparatus will be hereinafter referred to as interstate commerce in radio apparatus.

18. Prior to the unlawful combination and conspiracy hereinafter alleged, the primary defendants (except Radio Corporation) and Marconi Co. of America, International Radio Telegraph Co., United Fruit Co., Wireless Specialty Apparatus Co., Federal Telegraph Co. of California, and De Forest Radio Telephone & Telegraph Co. were engaged in competition with each other in interstate commerce in radio communication and radio apparatus. About 20 other companies were then engaged in the manufacture and sale in interstate commerce of radio receiving sets. Each of the primary defendants (except Radio Corporation) then owned or otherwise controlled large numbers of patents and patent rights used or useful in the manufacture, use, and sale of radio apparatus.

19. The defendants in the manner and by the means hereinafter alleged have been and are engaged in a combination and conspiracy in restraint of trade and commerce among the several States and with foreign nations in radio communication and radio apparatus, and the defendants are parties to contracts, agreements, and understandings in restraint of said commerce, in violation of section 1 of the act of Congress of July 2, 1890 (26 Stat. 209), known as the Sherman Antitrust Act, and the defendants have in like manner monopolized and are attempting to monopolize, and are combining and conspiring with one another to monopolize said commerce among the several States and with foreign nations in violation of section 2 of said act, and this suit is instituted to prevent and restrain the defendants from further violating said act.

20. As a part of said unlawful combination, conspiracy, and monopoly, the defendants by contracts, agreements, and understandings made between themselves at various times, beginning in the year 1919, have granted to each other rights to make, use, and sell radio apparatus under all existing and future patents and patent rights on radio apparatus held or acquired by them; and the defendants thereby have had and enjoyed a community of interest in each and all of said patents and patent rights and in the control thereof; and the defendants have continuously used and dealt with said patents and patent rights as being jointly owned for their common, mutual, and exclusive benefit; and

have assigned and allocated among themselves the exclusive use, enjoyment, and benefits of said patents and patent rights, including the right to make, use, and sell all radio apparatus covered by said patents and patent rights; and the defendants have thereby divided among themselves the business of interstate commerce in radio communication and radio apparatus to the end that they should not compete with each other in said commerce and to the end that each primary defendant should unlawfully restrain and monopolize said commerce in the fields allocated to it and the remaining primary defendants should refrain from competing in said fields. Pursuant to said combination, conspiracy, and monopoly the defendants have continuously refused, except on terms prescribed by them, to grant licenses under said patents and patent rights to any individuals, firms, or corporations for the purpose of enabling the latter to engage in radio communication, radio broadcasting, or interstate commerce in radio apparatus independently of or in competition with the defendants.

21. The control of interstate commerce in radio apparatus acquired by the defendants through the licensing, cross-licensing, or pooling of the radio patents of all of them as herein described has been used by them for the purpose of obtaining additional patents which increase, and have increased, the effectiveness and power of the patent pool of the defendants, and the defendants have acquired and now control more than 4,000 patents or alleged patents on radio apparatus. Said patent pool has enabled the defendants to dictate by agreement among themselves the terms upon which any competitor or potential competitor may use the patents owned or controlled by any of said defendants; to exact by agreement among themselves burdensome royalty payments from any competitor or potential competitor granted a license to use patents owned or controlled by said defendants; to compel any such licensee to accept a license under all the patents of all the primary defendants applicable to the particular apparatus which the licensee desired to manufacture and sell, thereby preventing such licensee from contesting the validity of any of said patents and thereby tending to prevent adjudication as to the validity of said patents. By the exclusive licenses which the primary defendants have given each other they have prevented and do prevent any competitor or potential competitor from obtaining from any one of the primary defendants separately a license to use its radio patents. The agreements between the primary defendants make provision for extending the combination in restraint of interstate commerce in radio apparatus, and in monopoly and attempted monopoly thereof, far beyond the life of any patents owned by said primary defendants when the agreements were made. The primary defendants have by their agreements providing for licensing each other under all existing and future patents prevented all litigation between themselves which would adjudicate the scope and validity of their respective patents. The defendants thus have continuously acquired new radio patents and patent rights, and have jointly held and used the same exclusively for their own use and benefit. All of said contracts, agreements, and understandings have been made and performed, and all of said acts and things have been done, as a means for, and with the purpose, intent, and effect of excluding all actual and potential competition in radio communication and interstate commerce in radio apparatus and as a part of an unlawful combination and conspiracy in restraint of interstate commerce in radio communication and radio apparatus, and in monopolization and attempted monopolization thereof.

22. On or about October 17, 1919, General Electric caused the organization of Radio Corporation with a capitalization of 7,500,000 shares of common stock and 5,000,000 shares of preferred stock, caused Radio Corporation to acquire all the assets of Marconi Co. of America, including valuable radio patents and patent rights and apparatus used and useful in radio communication, and caused Radio Corporation to issue and deliver to General Electric 2,000,000 shares of its common stock, which then had sole voting rights, and over 600,000 shares of its preferred stock. By a contract and agreement made and dated on or about November 20, 1919, Radio Corporation and General Electric granted to each other licenses under their existing and future patents on radio apparatus and Radio Corporation agreed to purchase exclusively from General Electric all apparatus covered by the patents granted or agreed to be granted thereunder and General Electric agreed to sell such radio apparatus exclusively to Radio Corporation. Marconi Co. of America thereupon permanently withdrew from the business of interstate commerce in radio communication and radio apparatus.

23. As a part of said unlawful combination, conspiracy, and monopoly, General Electric, Radio Corporation, Telephone Co., and Western Electric (substantially all the stock of which has been owned by the Telephone Co.), by contracts and agreements made and dated on or about July 1, 1920, granted to each other licenses under their existing and future patents on radio apparatus. By said contracts and agreements, and by understandings supplementary thereto, Telephone Co. and Western Electric were obligated to refrain from engaging in the business of radio communication by telegraph, from engaging in the business of transoceanic radio communication by telephone except by the use of means, instrumentalities, and apparatus of Radio Corporation and from engaging in the manufacture and sale in interstate commerce of substantially all kinds of radio apparatus. By said contracts and agree-



ments, and by understandings supplementary thereto, General Electric and Radio Corporation were obligated to refrain from, among other things, engaging in the business of radio communication by telephone within the United States, and to prevent any persons or corporations, except Telephone Co. and Western Electric, from using any means, instrumentalities, or apparatus of General Electric, Radio Corporation, or Westinghouse for the purpose of engaging in said business. Neither the Telephone Co. nor Western Electric has established such a communication system, but the primary defendants have refused to permit any other person or corporation to engage in said business and have by suits and threats of suit for infringement of their alleged patent rights, and otherwise, collectively hindered, obstructed, and prevented the establishment of radio communication by telephone within the United States.

24. Prior to May 22, 1920, Westinghouse and International Radio Telegraph Co. each owned or otherwise controlled certain patents and patent rights on radio apparatus. Westinghouse was engaged in interstate commerce in radio apparatus and International Radio Telegraph Co. was engaged in radio communication. On or about May 22, 1920, said companies caused the organization of the International Radio Telegraph Co., hereinafter referred to as New International. Westinghouse thereupon acquired 50 per cent or more of the voting stock of New International. International Radio Telegraph Co. transferred to New International all or most of its patents and physical assets and Westinghouse and New International granted to each other licenses under their existing and future patents on radio apparatus, and Westinghouse agreed to sell to New International exclusively all radio apparatus covered by patent rights granted or agreed to be granted thereunder, and New International agreed to purchase said apparatus exclusively from Westinghouse. For a considerable period of time prior to June 30, 1921, New International and its predecessors were engaged in interstate commerce in radio communication and radio apparatus, and from the organization of Radio Corporation to June 30, 1921, were engaged in said commerce independently of, and in competition with, Radio Corporation.

25. As a part of said unlawful combination, conspiracy, and monopoly, New International, on or about June 30, 1921, transferred and conveyed to Radio Corporation its business of interstate commerce in radio communication and radio apparatus, and its properties, facilities, and assets used in the conduct thereof, and the stockholders of New International, including Westinghouse, acquired 1,000,000 shares of preferred and 1,000,000 shares of common stock of Radio Corporation, representing a large and substantial interest in said corporation. New International thereupon permanently withdrew from the business of interstate commerce in radio communication and radio apparatus. As a further part of said unlawful combination, conspiracy, and monopoly, Westinghouse, by contracts and agreements made and dated on or about June 30, 1921, acquired from Telephone Co. and Western Electric, and granted to said companies, the same rights, privileges, and licenses as General Electric had acquired from, and had granted to, said companies by the contracts and agreements dated on or about July 1, 1920, hereinbefore referred to; and by further contracts and agreements also made and dated on or about June 30, 1921, General Electric, Radio Corporation, and Westinghouse granted to each other licenses under their existing and future patents on radio apparatus.

The latter contracts and agreements and understandings supplementary thereto obligated General Electric and Westinghouse to sell radio apparatus exclusively to Radio Corporation and obligated Radio Corporation to purchase radio apparatus exclusively from General Electric and Westinghouse in the proportions of 60 and 40 per cent, respectively, and to pay therefor the cost of manufacture plus 20 per cent. Thereafter General Electric and Westinghouse have manufactured and sold in interstate commerce large and substantial amounts of radio apparatus. All of said apparatus manufactured and sold by General Electric and Westinghouse has been sold exclusively to Radio Corporation or to corporations owned or controlled by it. Thereafter Radio Corporation has not, without the consent of General Electric and Westinghouse, sold any radio apparatus except that purchased from said companies. By said contracts, agreements, and understandings General Electric and Westinghouse were, and they have continued to be, restrained from engaging in interstate commerce in radio apparatus except in the sale thereof to Radio Corporation, and Radio Corporation was, and it has continued to be, restrained from engaging in said commerce except in the sale of radio apparatus purchased from General Electric and Westinghouse, and competition in said commerce which otherwise would have existed between said companies and between them and others has been and will continue to be restrained.

26. As a part of said unlawful combination, conspiracy, and monopoly, General Electric, Radio Corporation, Telephone Co., Western Electric, and Westinghouse by contracts and agreements made and dated on or about July 1, 1926, modified in certain details the provisions of the foregoing contracts and agreements made and dated on or about November 20, 1919, July 1, 1920, and June 30, 1921, but by said contracts and agreements of July 1, 1926, said primary defendants continued the grant to each other of licenses under their existing and future patents on radio apparatus and the division among themselves of the business of interstate commerce in radio communication and radio apparatus.

27. The defendants by preventing all litigation between themselves involving their radio patents and patent rights have been enabled to assert the exclusive right to use and enjoy said patents and patent rights, irrespective of their validity or invalidity. The defendants by collectively threatening to sue, and by suing pursuant to a common understanding, persons and corporations manufacturing or selling radio apparatus in interstate commerce and those dealing with said persons and corporations, charging them with infringement of defendants' patents, have prevented substantially all persons and corporations from engaging in interstate commerce in radio apparatus except upon terms and conditions prescribed and imposed by the primary defendants by joint arrangement and agreement among themselves, and have required substantially all said persons and corporations to enter into license agreements with the primary defendants. Thirty-seven manufacturers of radio receiving sets who were previously engaged in interstate commerce in radio apparatus independently of, and in competition with, some of the defendants have been compelled to accept such a license and are manufacturing and selling thereunder. Among the terms and conditions imposed by the primary defendants on said licensees are the following:

(a) Each of said licensees has been and is required to pay to the primary defendants a royalty of 7½ per cent of the price of all radio apparatus sold by the licensee, and a minimum of \$100,000 a year by manufacturers of radio receiving sets and a minimum of \$50,000 a year by manufacturers of vacuum tubes. The share of Radio Corporation in the royalty so paid during the year 1929 was more than \$7,000,000. The purpose and direct result of said royalty requirements have been and are to limit arbitrarily the number of those who can engage in interstate commerce in radio apparatus.

(b) Prior to February 6, 1928, each of said licensees was required to purchase exclusively from Radio Corporation all vacuum tubes originally installed by said licensee in radio receiving sets made or sold by it. On or about November 19, 1929, this provision was adjudged by the United States District Court for the District of Delaware to be in violation of the Clayton Act. Since February 6, 1928, each of said licensees has been required to accept a license containing this same requirement, coupled with a statement by the licensors that pending the determination of a certain litigation by the Supreme Court of the United States said provision will not be enforced. The purpose and effect of both of these licenses in such form has been to threaten and coerce manufacturers to use exclusively vacuum tubes purchased from Radio Corporation.

(c) Each of said licensees has been and is required to sell to the primary defendants and their nominees a license under any existing and future patents under which said licensee had or may have the right to issue licenses.

(d) Each of said licensees has been and is unlawfully required to affix to each radio receiving set made or sold by it a notice reading: "Licensed only for radio amateur, experimental, and broadcast reception," and to insert the same notice in all catalogues, circulars, price lists, and general advertising, and a similar statement of restriction upon cartons containing tubes sold by it.

28. The number of receiving sets sold in interstate commerce during the year 1929 was in excess of 4,500,000. The primary defendants and their licensees now manufacture approximately 95 per cent in value of all radio apparatus manufactured, used, and sold in interstate commerce.

29. Said unlawful restraints and monopoly are being constantly extended into new industrial, commercial, and scientific fields by the discovery of new uses for radio apparatus, particularly vacuum tubes, including, among other such fields, methods of distance actuation and control; automatic counting, grading, and sorting; selecting colors, leveling elevators and guiding airplanes; and the defendants have unlawfully combined, conspired, and agreed to extend said restraints and monopoly into the new industrial, commercial, and scientific fields wherein radio apparatus may now or in the future be used or useful.

30. On or about April 4, 1928, Radio Corporation, General Electric, and Westinghouse caused the incorporation of R. C. A. Photophone (Inc.). The interest in and control of R. C. A. Photophone (Inc.), represented by shares of capital stock therein, was and now is divided among said defendants in the proportion of 60 per cent to Radio Corporation, 24 per cent to General Electric, and 16 per cent to Westinghouse. The defendants thereupon contracted, arranged, and agreed that none of them except R. C. A. Photophone (Inc.) and Western Electric would engage, or enable, or permit any other person or corporation except R. C. A. Photophone (Inc.) and Western Electric to engage in interstate commerce in radio apparatus for recording or reproducing sound in connection with motion pictures.

31. On or about December 26, 1920, Radio Corporation, General Electric, and Westinghouse caused the incorporation of RCA Radiotron Co. (Inc.). The interest in and control of RCA Radiotron Co. (Inc.) represented by shares of capital stock therein, was and now is divided among said defendants in the proportion of 50 per cent to Radio Corporation, 30 per cent to General Electric, and 20 per cent to Westinghouse. The defendants have been and are planning and arranging to transfer to RCA Radiotron Co. (Inc.) all of the interstate commerce of said three defendants in vacuum tubes; and to substitute said RCA Radiotron Co.

(Inc.) for Radio Corporation, General Electric, and Westinghouse in respect to said restraints upon, and monopolization of, interstate commerce in vacuum tubes imposed and enjoyed by the defendants.

32. On the same day, December 26, 1929, Radio Corporation, General Electric, and Westinghouse caused the incorporation of RCA Victor Co. (Inc.). The interest in and control of RCA Victor Co. (Inc.), represented by shares of capital stock therein, was and now is divided among said defendants in the proportion of 50 per cent to Radio Corporation, 30 per cent to General Electric, and 20 per cent to Westinghouse. The defendants have been and are planning and arranging to transfer to RCA Victor Co. (Inc.) the interstate commerce of said three defendants in radio receiving sets and to substitute said RCA Victor Co. (Inc.) for Radio Corporation, General Electric, and Westinghouse in respect to said restraints upon and monopolization of interstate commerce in radio receiving sets imposed and enjoyed by the defendants.

33. On or about October 10, 1929, Radio Corporation, General Electric, Westinghouse, and General Motors caused the incorporation of GMRC. The interest in and control of GMRC represented by shares of its capital stock was and now is divided among said defendants in the proportion of 51 per cent to General Motors, 29.4 per cent to Radio Corporation, 11.76 per cent to General Electric, and 7.84 per cent to Westinghouse. The primary defendants thereafter granted to GMRC the right to sell radio receiving apparatus under all existing patents and future patents under which they had or may have the right to issue licenses. General Motors paid more than \$5,000,000 in cash for its said stock in GMRC; granted to GMRC an exclusive license under all its present and future patents and patent rights on radio apparatus, which patents and patent rights thereafter by certain contracts, agreements, and understandings became a part of the patent pool hereinbefore described; and has made available to GMRC all of its vast facilities for the distribution of radio apparatus throughout the United States and foreign countries. General Motors agreed with GMRC to purchase, and has purchased, exclusively from GMRC all radio apparatus sold by it at not less than the cost thereof to GMRC, plus 20 per cent. GMRC has unlawfully agreed with the primary defendants to attach, and has attached, to all radio apparatus to be sold by it the following notice: "Licensed only for use in automotive vehicles and conveyances or for private amateur use for entertainment and educational purposes." The purpose, intent, and effect of the organization of GMRC and of each of the contracts and agreements, and understandings supplementary thereto, has been to broaden, strengthen, and make more permanent and effective the restraints and monopolization of interstate commerce hereinbefore described and to eliminate one of the most powerful potential competitors in interstate commerce in radio apparatus.

34. As a part of said unlawful combination, conspiracy, and monopoly, Radio Corporation, General Electric, and Westinghouse have contracted and agreed, and they are now planning and arranging, to perfect and make more permanent their restraint and monopolization of interstate commerce in radio apparatus by a reorganization of the business in radio apparatus of said three companies, by, among other means, the following:

(a) The transfer and conveyance to Radio Corporation or its nominees by General Electric and Westinghouse or their respective wholly owned subsidiary corporations, General Electric Radio Co. (Inc.) and Westinghouse Radio Co. (Inc.) of (1) all property, facilities, and assets used by General Electric and Westinghouse or their said subsidiaries in the manufacture of radio apparatus, (2) all of the stock of R. C. A. Photophone (Inc.), RCA Radiotron Co. (Inc.), RCA Victor Co. (Inc.), and GMRC owned by said two companies or their said subsidiaries, and (3) the right to use all existing and future patents of the primary defendants used or useful for the manufacture of radio apparatus.

(b) The issue and delivery by Radio Corporation to General Electric and Westinghouse of (1) shares of common stock of Radio Corporation equal in number to all its present outstanding shares of common stock, and (2) a large number of shares of its preferred stock, which stock acquisition will give General Electric and Westinghouse more than 50 per cent of the voting rights of all outstanding stock of Radio Corporation, and will give said companies complete control of Radio Corporation.

35. For the purpose of effecting said proposed consolidation the stockholders of Radio Corporation at a stockholders' meeting held on May 6, 1930, duly approved an increase in the corporation's authorized common stock from 7,500,000 shares to 15,000,000 shares. None of said additional 7,500,000 shares of authorized common stock has been issued or delivered.

36. The organization and employment of R. C. A. Photophone (Inc.), RCA Radiotron Co. (Inc.), and RCA Victor Co. (Inc.) for the purpose of manufacturing and selling various kinds of radio apparatus previously manufactured and sold by General Electric and Westinghouse; the proposed acquisition by Radio Corporation of all the stock of said companies now owned by General Electric and Westinghouse or their said subsidiaries; the proposed transfer to Radio Corporation or its nominees of substantially all the assets owned by General Electric and Westinghouse or their said subsidiaries used or useful for manufacturing radio apparatus; the licensing of Radio Corporation and its

nominees to manufacture radio apparatus under the existing and future patents of all the primary defendants; and the acquisition by General Electric and Westinghouse of stock of Radio Corporation which will give said companies a majority of the voting stock of Radio Corporation, all as hereinbefore described, will permanently remove General Electric and Westinghouse as competitors or potential competitors of each other, of the other defendants, and of all other persons and corporations in interstate commerce in radio apparatus, and will thereby not only solidify and strengthen the defendants' combination and conspiracy in restraint of said interstate commerce, and in monopoly thereof, theretofore and now existing, but by consolidating the radio business of General Electric and Westinghouse in Radio Corporation in exchange for stock in said corporation will make permanent the existing unlawful combination and conspiracy between said companies in restraint and monopoly of interstate commerce in radio apparatus which has been brought about by the various illegal means hereinbefore described.

The organization and employment of R. C. A. Photophone (Inc.), RCA Radiotron Co. (Inc.), and RCA Victor Co. (Inc.) for said purposes and the proposed consolidation in said companies and in Radio Corporation of the business of interstate commerce in radio apparatus theretofore conducted by General Electric and Westinghouse were and are unlawful and in violation of the act of Congress of July 2, 1890, known as the Sherman Antitrust Act.

37. The contracts, agreements, and understandings by which the defendants have agreed to grant, and have granted, to each other licenses under existing and future patents on radio apparatus and have divided the interstate commerce in radio communication and radio apparatus, and have imposed unlawful restraints on all persons and corporations other than the defendants engaged in, or desiring to engage in, said commerce were and are unlawful and in violation of said act of Congress of July 2, 1890.

Wherefore petitioner prays:

I. That writs of subpoena issue directed to each defendant commanding it to appear herein and answer under oath the allegations of this petition and to abide by and perform such orders and decrees as the court may make.

That the court order, adjudge, and decree as follows:

II. That the combination and conspiracy in restraint of, and the attempt to monopolize, and monopolization of, interstate trade and commerce in radio communication and radio apparatus hereinbefore described, were and are in violation of said act of July 2, 1890, and acts supplemental thereto and amendatory thereof.

III. That the defendants and each of them and all persons, including corporations, acting or claiming to act on behalf of them or any of them, be perpetually enjoined and restrained from continuing to carry out, directly or indirectly, expressly or impliedly, the said combination and conspiracy, attempt to monopolize and monopolization, and from entering into or carrying out, directly or indirectly, expressly or impliedly, any similar combination and conspiracy, attempt to monopolize, and monopolization of the said interstate trade and commerce.

IV. That the defendants and each of them and all persons, including corporations, acting or claiming to act on behalf of them or any of them, be perpetually enjoined from performing or continuing to perform any and all other acts described herein as means of creating, maintaining, or effectuating said combination and conspiracy, attempt to monopolize and monopolization.

V. That the contracts and agreements between and among the defendants described herein, and any and all such contracts and agreements, be declared unlawful and void, and that the defendants and each of them, and all persons, including corporations, acting or claiming to act on behalf of the defendants or any of them, be perpetually enjoined from entering into similar contracts or carrying out the terms of said agreements or understandings or similar agreements or understandings.

VI. That the defendants and each of them and all persons acting or claiming to act on behalf of the defendants or any of them, be perpetually enjoined and restrained from agreeing with the other defendants or any of them not to compete with such other defendant or defendants in any line of interstate trade or commerce.

VII. That the defendants, other than Radio Corporation of America, and each of them, and all persons and corporations acting or claiming to act on behalf of them or any of them, be perpetually enjoined and restrained from purchasing or otherwise acquiring capital stock in the Radio Corporation of America or any of its subsidiary or operating companies now existing or hereafter formed and that the General Electric Co. and the Westinghouse Electric & Manufacturing Co. be ordered and directed to divest themselves of all stock in said Radio Corporation of America, that Radio Corporation of America be ordered and directed to divest itself of any property, facilities, or assets acquired from General Electric Co. or Westinghouse Electric & Manufacturing Co. pursuant to the plan of consolidation, rearrangement, and reorganization herein described.

VIII. That the court order, adjudge, and decree that each of the defendants R. C. A. Photophone (Inc.), RCA Radiotron Co. (Inc.), RCA Radiotron Co. (Inc.), and General Motors Radio Corporation has been and is a party to an unlawful combination, and has been and is an unlawful combination, in restraint of interstate and foreign trade and



commerce, and that each has attempted and is attempting to monopolize and is in combination and conspiracy with the other defendants to monopolize, and has monopolized, part of the trade and commerce among the several States of the United States and with foreign nations, and order, adjudge, and decree that each of them be restrained from engaging in interstate or foreign commerce, and that each of them be dissolved.

IX. That jurisdiction of this cause be retained for the purpose of enforcing such decree as may be entered and enabling petitioner to apply for a modification or enlargement of any of the provisions thereof on the ground that the same is inadequate and for the purpose of enabling the defendants, or any of them, to apply to this court for a modification of any of the provisions thereof on the ground that it has become inappropriate or unnecessary.

X. That petitioner have such other, further, and general relief as may be equitable and proper.

XI. That petitioner recover its costs and disbursements.

LEONARD E. WALES,  
United States Attorney.  
WILLIAM D. MITCHELL,  
Attorney General.  
JOHN LORD O'BRIAN,  
The Assistant to the Attorney General.  
ROBERT L. SABIN, Jr.,  
RUSSELL HARDY,  
CHARLES H. WESTON,  
JOHN HARLAN AMEN,  
Special Assistants to the Attorney General.

#### TRANSFER OF PROHIBITION ENFORCEMENT

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, which is House bill 8574.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8574) to transfer to the Attorney General certain functions in the administration of the national prohibition act, to create a bureau of prohibition in the Department of Justice, and for other purposes.

Mr. HEBERT obtained the floor.

Mr. OVERMAN. Mr. President, will the Senator yield?

Mr. HEBERT. Certainly.

Mr. OVERMAN. Mr. President, before the Senator from Rhode Island [Mr. HEBERT] proceeds, let me say that there is nothing complicated at all about the bill. It is simply a bill providing for the transfer of the Prohibition Unit from the Treasury Department to the Department of Justice. There are some details entered into and there are some few amendments proposed to carry out those details. The measure is recommended by the Attorney General. It passed the House of Representatives after long hearings were held before the House Committee on the Judiciary. The Senate Committee on the Judiciary likewise gave the matter extensive hearings, and after hearing all parties desiring amendments to the bill as it passed the House we concluded to recommend the bill practically as it passed the House, providing for turning over the whole Prohibition Unit to the Department of Justice, where the people and the President desire it to be, and let the matter be administered according to law.

Mr. HEBERT. Mr. President, it may be well at the outset to explain briefly the amendments proposed by the Committee on the Judiciary to the bill now before us. The bill was fully considered in the House of Representatives before it was passed there and received by the Senate.

It will be noted that in the original bill as it came from the Senate there occurs the term "enforcement division in the Bureau of Prohibition." The committee found upon a study of the measure that there is no such division now provided by law. The purpose of creating such a division was merely one of procedure, so as to enable the Department of Justice and the Treasury Department to apportion between the two, when this transfer shall have been made, the employees now engaged in prohibition work in the Treasury Department.

The idea is that all of the employees found to be engaged in the work which is referred to as enforcement in the Treasury Department shall be transferred to the Department of Justice. So we have inserted in the bill a new paragraph, which is designated paragraph (a), in section 3, on page 2 of the bill, and which reads as follows:

SEC. 3 (a) The Secretary of the Treasury and the Attorney General by joint regulation shall, as soon as may be after the passage and approval of this act, create an enforcement division in the Bureau of Prohibition in the Treasury Department and place in and apportion to such enforcement division so much of the personnel, appropriations, records, files, and property of said bureau as they shall agree upon.

Actually the Treasury Department and the Department of Justice have made a very complete survey of the entire prohibition work, and as a result of their findings have reached an

agreement whereby some 2,500 employees in the prohibition division of the Treasury Department shall be transferred to the Department of Justice.

There was some objection on the part of representatives of civil-service employees to this mode of procedure because of a fear that civil-service employees might not retain their civil-service status. We made inquiry upon that point, and we have the assurance of the Attorney General that they will be taken over and will retain the status which they now have in the Treasury Department. That, however, will not apply to the attorneys now engaged in prohibition work in the Treasury Department, because, while they will be taken over, they will not be subject to civil-service regulations.

Mr. OVERMAN. Mr. President—

The PRESIDING OFFICER (Mr. Fess in the chair). Does the Senator from Rhode Island yield to the Senator from North Carolina?

Mr. HEBERT. I yield.

Mr. OVERMAN. There was also, as I recall, a fear expressed that the transfer of civil-service employees from the Treasury Department might destroy their privileges under the retirement act. We have an opinion of the Attorney General to the effect that they will not be affected unfavorably in that respect.

Mr. HEBERT. Mr. President, I could not distinctly hear the statement of the Senator from North Carolina, but I presume he referred to the communication which was received from the Attorney General, in which he gave assurance that the civil-service employees would not be disturbed in their status?

Mr. OVERMAN. Yes.

Mr. HEBERT. The next amendment, outside of perfecting amendments in the bill, is that on page 8, which proposes to amend section 2 of the act entitled "An act relating to the use or disposal of vessels or vehicles forfeited to the United States for violation of the customs laws or the national prohibition act, and for other purposes," approved March 3, 1925. The amendment is as follows:

SEC. 2. Any vessel or vehicle forfeited to the United States by a decree of any court for violation of the customs laws or the national prohibition act may, in lieu of the sale thereof under existing law, be ordered by the court, upon application of the head of the department by which the seizure is made, to be delivered to the Department of Justice for use in the enforcement of the national prohibition act, or to the Treasury Department for use in the enforcement of such act or the customs laws.

Under the law at present—

Mr. TYDINGS. I do not want to interrupt the Senator, but will he yield as he goes along so that certain provisions of the bill may be clarified?

Mr. HEBERT. Mr. President, it occurred to me that it would be well for me first to explain the amendments which the committee has suggested and then to take the bill up in regular order, at which time the Senator will have an opportunity to make any suggestions he may have in mind.

Mr. OVERMAN. Mr. President, I should like to suggest, if the Senator will yield—

Mr. TYDINGS. I should like to say to the Senator from Rhode Island—

The PRESIDING OFFICER. Does the Senator from Rhode Island yield; and if so, to whom?

Mr. HEBERT. I yield first to the Senator from Maryland.

Mr. TYDINGS. I should like to say to the Senator that I have no desire to interrupt him, but when he has made his preliminary statement, if he will indicate in what portion of his remarks he will submit to interruption, I should like to ask about some amendments which I propose to offer, as to whether or not they will defeat the ideas which he hopes to have written into the bill.

Mr. HEBERT. I shall be glad to yield at the proper time. I now yield to the Senator from North Carolina.

Mr. OVERMAN. Mr. President, I suggest that by unanimous consent the Senate consider first the committee amendments, and then take up the amendments of the Senator from Maryland and other amendments which may be offered.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina that the committee amendments be first considered?

Mr. TYDINGS. Mr. President, it may be that a committee amendment affects a certain paragraph to which an amendment offered by me refers. It seems to me if I shall have the right to offer my amendments when the paragraphs to which they apply are reached in the bill, rather than to wait until the committee amendments shall have been disposed of, we will secure a more comprehensive result.

Mr. OVERMAN. Mr. President, as I understand, the Senator's amendments will not affect the amendments recommended by the committee, because they are mere matters of detail.

Mr. TYDINGS. In that case, of course, I would not object; but, for example, on page 6 of the bill, if the Senator from Rhode Island will bear with me a moment, it is provided in section 5, line 10, that—

The Attorney General and the Secretary of the Treasury shall jointly prescribe all regulations—

And so on and so forth.

If that provision is to be changed, I should like to have the right to offer an amendment in connection with any change which may be proposed.

Mr. OVERMAN. Mr. President, as I understand, the committee did not change that section at all. I will ask the Senator from Rhode Island if that is not correct?

Mr. HEBERT. That is true; the committee has recommended no change in that provision. After I shall have concluded my explanation of the amendments which have been suggested by the committee, I shall give some attention to that feature of the bill.

The PRESIDING OFFICER. The Senator from North Carolina has asked unanimous consent that the committee amendments may be first considered. Is there objection? The Chair hears none, and that order will be followed.

Mr. HEBERT. Mr. President, before I was interrupted, I was about to say that under the existing law applying to the forfeiture of vehicles seized by the Treasury Department and under present regulations, it is required that such vehicles shall be sold under an order of the court. It was suggested in the course of the hearings upon the bill—and that suggestion comes from the Department of Justice—that the bill ought to provide that vehicles suitable for use of the enforcement division of the Prohibition Unit of the Attorney General's department, as well as suitable for use of the Treasury Department engaged in the enforcement of the customs laws, should be set over to them by an order of court rather than to have them sold by order of court. As a result, the committee has inserted the amendment to which I have just referred. It provides in effect that vehicles forfeited to the United States by decree of court may be "delivered to the Department of Justice for use in the enforcement of the national prohibition act, or to the Treasury Department for use in the enforcement of such act"—that is, the national prohibition act—"or the customs laws."

The only other change is as to the date when the act shall go into effect after it shall have been passed and approved. The original bill provided that it should take effect on the first day of the second month after its approval, whereas the amendment which the committee has inserted in the bill provides that the act shall take effect on the first day in July, 1930.

The other amendments, Mr. President, are merely perfecting amendments and need no extended explanation.

I come now to that part of the bill which was opposed by a considerable number of representatives of permittees—that is, representatives of holders of liquor permits. They object to what they refer to as the "dual control" of liquor permits—alcohol permits. Of course this bill does not provide a dual control; it does provide that permits hereafter shall be issued under regulations to be jointly approved by the Attorney General and the Secretary of the Treasury.

Mr. BLAINE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Wisconsin?

Mr. HEBERT. I yield.

Mr. BLAINE. I should like to call the Senator's attention to the fact, however, that applications for permits must be forwarded to the Attorney General, and no action can be taken on them for a period of 10 days, so that there is a dual control in that respect. The Attorney General must act before the Treasury Department can issue the necessary certificate. The Attorney General has 10 days in which to act, and he may take that 10 days and he may or may not approve of the application. So, in that respect, there is dual control. I understand that the terms of the bill are as I have stated. If I am incorrect, I should like to have the Senator from Rhode Island make the correction now.

Mr. HEBERT. Mr. President, I shall come to that feature later on. I know what the Senator has in mind and I shall try to explain that provision as I come to it.

Mr. TYDINGS. Mr. President, will the Senator permit an interruption if he is not now going to take up that feature of the bill?

Mr. HEBERT. I was just about to ask that we pass upon the amendments which I have already explained and which do

not affect that portion of the bill in which the Senator from Maryland is particularly interested.

Mr. TYDINGS. Mr. President, if the Senator will yield, as I understand, even though an amendment is adopted to some particular section of the bill, after the committee amendments shall have been either adopted or rejected, I may have the right to go back over the same ground and offer individual amendments.

The PRESIDING OFFICER. The Senator has that right.

Mr. HEBERT. Now, Mr. President, I ask that the amendments proposed by the committee may be read and considered at this time.

The PRESIDING OFFICER. The clerk will report the first amendment.

Mr. TYDINGS. Mr. President, may I ask that the amendments be read in full, as some portions of the Senator's explanation, due to the great distance I was from him, were not understood by me?

The PRESIDING OFFICER. The amendments will be stated in full. The clerk will state the first amendment.

The CHIEF CLERK. On page 2, after line 20, it is proposed to insert a new section to be known as section 3 (a) and to read as follows:

SEC. 3. (a) The Secretary of the Treasury and the Attorney General by joint regulation shall, as soon as may be after the passage and approval of this act, create an enforcement division in the Bureau of Prohibition in the Treasury Department and place in and appportion to such enforcement division so much of the personnel, appropriations, records, files, and property of said bureau as they shall agree upon.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

Mr. TYDINGS. Mr. President, is it in order to offer an amendment to the amendment at this time?

The PRESIDING OFFICER. It is.

Mr. TYDINGS. Then I should like now to offer an amendment to the amendment.

The PRESIDING OFFICER. The Senator from Maryland offers an amendment which the clerk will state, it being understood that the amendment is to the amendment reported by the committee, and is, therefore, in order.

The CHIEF CLERK. On page 3, line 2 in section 3, the Senator from Maryland proposes to strike out the words "as they shall agree upon" and insert in lieu thereof the words "as are charged with the duty of investigating violations of the national prohibition act and the detection and apprehension of offenders against said act."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Maryland to the amendment reported by the committee.

Mr. TYDINGS. Mr. President, may I ask if the Senator from Rhode Island would have any objection to that amendment? I will say in explanation thereof that it does not change the major part of the amendment the committee has proposed. The purpose of my amendment is to prevent departmental legislation of a very obnoxious sort. In other words, there can be no objection whatsoever to the Attorney General making such regulations as are necessary to carry out the various national prohibition acts; but the committee amendment does not thus confine the activities of the Attorney General. The bill, with the committee amendment, while creating an enforcement division of the Bureau of Prohibition, leaves substantially all the definition of the enforcement division to departmental discretion.

Mr. BARKLEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Kentucky?

Mr. HEBERT. I do.

Mr. BARKLEY. It seems to me the effect of the amendment which the Senator from Maryland has offered is to limit the Attorney General and the Secretary of the Treasury in the transfer of the personnel from one bureau to another. The amendment offered by the committee simply provides that they shall transfer such personnel as the Secretary of the Treasury and the Attorney General may agree upon, which has nothing to do with the regulations so far as the enforcement of the law is concerned. The Senator's amendment limits the power of the Attorney General and the Secretary of the Treasury to the transfer of such personnel as may be engaged in the enforcement of prohibition.

Mr. TYDINGS. That is not altogether an inaccurate statement. It is substantially true.

Mr. BARKLEY. What is the object of taking away from the two Cabinet members, heads of departments, the discretion to transfer such men as they may see fit from one bureau to the other?



Mr. TYDINGS. Does the Senator favor the setting up of an executive bureau by department heads rather than by an act of Congress?

Mr. BARKLEY. I think in a matter of that sort, which is purely an administrative detail of determining which employees shall be transferred from one department to the other, the two Cabinet members are in better position to decide than Congress is. It is not legislation. It is simply authorizing the two members of the Cabinet to get together and decide which part of the personnel shall be transferred from one department to another; and I think that discretion ought to be left with them.

Mr. TYDINGS. It occurs to me that the Senator's idea could be safeguarded by having the plan of the Secretary of the Treasury and the Attorney General presented to Congress, and then having Congress legislate that plan into being, rather than turn over to the Secretary of the Treasury and the Attorney General the right to create bureaus by regulation rather than by legislation. It seems to me to be embarking on a pretty wide field to have various Cabinet members, by regulation, accomplish in effect what it is our duty to accomplish by legislation.

Mr. BARKLEY. Mr. President, if the Senator will yield further—

The PRESIDING OFFICER. Does the Senator from Rhode Island further yield to the Senator from Kentucky?

Mr. HEBERT. I do.

Mr. BARKLEY. The Senator's amendment does not touch that question at all.

Mr. TYDINGS. What does it touch?

Mr. BARKLEY. It simply touches the personnel which may be transferred from one department to the other by agreement of the two heads of departments.

Mr. TYDINGS. Of course. Is not that setting up a department and transferring the personnel?

Mr. BARKLEY. The language which authorizes the creation of the Bureau of Prohibition in the Department of the Treasury is not in any way affected by the amendment which the Senator has offered. It simply affects the personnel which may be transferred from one to another.

Mr. TYDINGS. Then what is the objection of the Senator from Kentucky to my amendment?

Mr. BARKLEY. The objection is that it takes away from the two Cabinet members the power to decide which employees shall be transferred from one bureau to another, and we say that they shall transfer such employees as are involved in the enforcement of prohibition. It might be desirable to transfer somebody from the Bureau of Internal Revenue or some other bureau in the Treasury Department to the Department of Justice. If this amendment were agreed to, they would not have any discretion to do that. It is merely an administrative provision.

Mr. TYDINGS. May I say to the Senator from Rhode Island that it is the intention to set up in the Department of Justice only that part of the prohibition personnel which has to do with law violation.

Mr. HEBERT. Mr. President, that is not exactly so. At the present time it is not an easy matter to tell which of the employees in the Treasury Department are engaged in enforcement work and which of them are engaged in other lines of effort in the Prohibition Department of the Treasury. The fact is that the two departments appointed commissions, and they have made a careful survey of the entire field. They have now virtually reached an agreement as to who shall be transferred from the Treasury Department to the Department of Justice. With the amendment of the Senator, it may be difficult for them to carry out the arrangement that they have in mind; and there are many instances where employees are on the border line. We can not define by law that they are engaged in prohibition work or in some other line of work in the Treasury Department.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. HEBERT. Yes; I yield.

Mr. TYDINGS. Let me read again my amendment, which is as follows:

As are charged with the duty of investigating violations of the national prohibition act and the detection and apprehension of offenders against said act.

If I may say just a word there, it occurs to me that the Department of Justice is the enforcement arm of the Government, and that without this restriction we are going so to mix the Treasury Department and the Department of Justice that there will be no one who will be directly responsible for enforcing the law.

Mr. HEBERT. Mr. President, that can not be so.

Mr. TYDINGS. If the Senator will permit a further interruption, what justification is there in making the Department of Justice the Treasury administration branch of the Government for any purpose whatsoever?

Mr. HEBERT. There is no justification, nor will it be done.

Mr. TYDINGS. The reason for the creation of the Department of Justice is to enforce the law; and I have not made my amendment so restrictive that any of the primary purposes for its creation would be curtailed. I simply seek to limit the Department of Justice to its natural and proper function, which is investigating violations of law and enforcing the law. Now the Senator wants more latitude, so that this department can be enlarged and expanded at will by the regulation of two members of the Cabinet rather than by the edict of the House and the Senate.

Mr. HEBERT. Mr. President, I fear the Senator misapprehends the purpose of this amendment. There is no intention to extend the functions of the Attorney General's department, once this transfer has been effected. This amendment merely sets out a mode of procedure for getting out of the Treasury Department that body of employees which the two departments will agree are engaged in prohibition enforcement.

Mr. TYDINGS. Then why not say so in the amendment? Why leave it open to conjecture?

Mr. HEBERT. For this reason, Mr. President—that many of those employees are on the border line, and it is not easy or possible to define by law what their functions are at the present time; and necessarily it must be left to an agreement between the two departments as to who shall be transferred.

Mr. TYDINGS. If the Senator will permit me, my amendment would not preclude anybody from being transferred who was on the border line. The sole condition is that they must be employed, to any extent whatsoever, in the investigation, the detection, and the prosecution of violators of the law.

Mr. HEBERT. But, Mr. President, once they are transferred, that will be their sole function in the Attorney General's department. Once those employees have been transferred from the Treasury Department, they will function in the Attorney General's department precisely as the Senator outlines. This, however, is merely a method of proceeding to separate the departments so that the employees who are deemed to be engaged in any way in enforcement shall be transferred to the Attorney General's department.

Mr. TYDINGS. Let us get the picture right. The committee amendment reads as follows:

The Secretary of the Treasury and the Attorney General by joint regulation shall, as soon as may be after the passage and approval of this act, create an enforcement division in the Bureau of Prohibition in the Treasury Department and place in and apportion to such enforcement division so much of the personnel, appropriations, records, files, and property of said bureau as they shall agree upon.

My amendment strikes out the words "as they shall agree upon," and says that in the transfer of that personnel they shall only transfer such personnel as properly belong in the Department of Justice, and that there shall be no Treasury officials in the Department of Justice who have joint duties, because the responsibility then would be anybody's responsibility. I want the responsibility to be single, and to have the Department of Justice do only those things for which it was created, and to have the Treasury Department do those things for which it was created.

There is nothing in my amendment that will hamstring or limit or destroy the purpose of the Senator's proposition, which is to set up a prohibition-enforcement personnel. I am in sympathy with it. The only thing I do say is that we should limit the transfer of such employees to those whose duties clearly come within the Department of Justice category.

Mr. HEBERT. Mr. President, I think the Senator wholly overlooks the purpose of this amendment. It is not to transfer from the Treasury Department employees who have nothing to do with enforcement. It is to create this division merely for the time being, in order that the employees who are deemed to be needed in the Attorney General's department may be transferred in a body. Otherwise, it would necessitate the choice of an entirely new personnel from the civil-service lists.

Mr. TYDINGS. Mr. President, will the Senator yield right there? Will the Senator tell me of one employee whom the Attorney General would desire transferred who could not be transferred under my amendment?

Mr. HEBERT. Mr. President, take the employees who are engaged in the issuance of permits: They might or might not be deemed to be an enforcement division, and yet men who have some knowledge of the issuance of permits and the methods of procedure ought to go to the Attorney General's department in

order that it may have the benefit of their knowledge and counsel.

Mr. TYDINGS. Certainly it can not be contended that a man who is charged with the duty of issuing permits only in particular cases is not an enforcement officer.

Mr. HEBERT. He would not be charged with anything else except enforcement in the Attorney General's department, once he gets over there.

Let me say again, for the information of the Senator, that the purpose of this amendment is to provide for the transfer of those employees who are deemed both by the Attorney General's department and the Department of the Treasury to be necessary for the enforcement division in the Attorney General's department, and for no other purpose.

Mr. TYDINGS. What employees that the Attorney General would require would be barred by my amendment? Is there one that the Senator can name? I shall be glad to drop the amendment if he can tell me one employee who properly belongs in the Department of Justice who is barred under this amendment.

Mr. HEBERT. I thought I had fully answered that. The Senator's amendment provides for the transfer of those employees who are charged with the duty of investigating violations of the national prohibition act, and the detection and apprehension of offenses against said act. I have repeatedly said that there are numbers of employees who are on the border line in the Treasury Department, and who might be classed either as employees in the Treasury Department proper or as engaged in prohibition work; and that clearly is a matter which should be left to the discretion of those who are best informed regarding the services that are rendered by those men.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. HEBERT. I yield.

Mr. TYDINGS. I would like to ask the Senator whether he thinks that permits for legitimate purposes should be issued by the Treasury Department or by the Department of Justice?

Mr. HEBERT. I may say, in answer, that the committee directed me to report this bill in its present form, and it provides for the issuance of permits through the Treasury Department.

Mr. TYDINGS. Then, if that is the case, if the Treasury Department is to issue the permits, the very suggestion which the Senator made as a bar to the adoption of my amendment is eliminated. I am trying to keep the permit division where it belongs, in the revenue branch of the Government, and the law enforcement and investigation branch of the Government where it ought to be, under the Department of Justice. Under the committee amendment, the thing is so mixed up that the Treasury Department and the Department of Justice seem to be together in every proposition, even though one is purely administrative. I am simply seeking to have the transfer of personnel into the prohibition enforcement division of the Attorney General's office confined to those who are charged with investigating violations of the law, making arrests for violations of the law, and in general prosecuting violations of the law.

Mr. TRAMMELL. Mr. President, I would like to ask the Senator from Maryland a question or two.

Mr. TYDINGS. Certainly.

Mr. TRAMMELL. From the Senator's discussion of the amendment proposed by him I judge that his object is to restrict these transfers to people who are connected with the enforcement of the prohibition act. I do not know but that that is perfectly all right. But I am apprehensive that the language the Senator uses is more restrictive than that. His amendment proposes that they shall transfer such personnel "as are charged with the duty of investigating violations of the national prohibition act and the detection and apprehension of offenders against said act."

Is it not probable that that language is so restrictive that it would preclude the clerical force connected with the prohibition enforcement division from being transferred, because the Senator restricts it to those who are connected with the duty of investigating violations of the prohibition act and the detection and apprehension of offenders against said act?

Mr. TYDINGS. That is right. According to the Senator's construction, which makes the police department the law-enforcement department of the city of Washington, no policeman, not even the chief of police, would be allowed to have a secretary, or chauffeur, or stenographer, or doorkeeper, or an elevator man, or any other employee. Of course, they all belong to that department. I think the Senator's contention might be upheld by the strictest kind of an interpretation, but I am satisfied that the language of my amendment is broad enough not to preclude the class of employees the Senator points out.

Mr. TRAMMELL. I am a little afraid it is not broad enough. That is the reason why I raised the question. Take the head of a police department. His duty is to investigate law violations and to apprehend offenders, but it is not the duty of his secretary to do that. The person who is his secretary, or the person who keeps the records in his office, is not an investigating officer. Their duties are clerical, and I would not consider that they had imposed upon them the obligation of investigating or the duty of apprehending and having punished. That is the point I am getting at.

I do not think we ought to pass any legislation which would preclude the transfer of the clerical force, which had primary duties, at least, of investigating and enforcing the law. It does occur to me that if the amendment were changed so as to provide that transfers might be made of those charged with the enforcement of the national prohibition act that would be all right.

Mr. TYDINGS. I would be glad to insert those words and have it read substantially as follows, "as are charged with the duty of investigating violations of the national prohibition act, the detection and apprehension of offenders against said act, and enforcement in all respects of said act." Would that cover the Senator's point?

Mr. HEBERT. Mr. President, that would not cover the situation, and with such an amendment—

Mr. TYDINGS. Will not the Senator allow me just to clear this up? I think the Senate pretty well understands what is before it; and if I may go on for about three minutes without interruption, I will then yield the floor. I think I have the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Maryland has offered an amendment, and he has the floor.

Mr. TYDINGS. Mr. President, at various times, in the Senate and outside of it, men have risen to assail bureaucracy in the American Government. They say the Government has expanded so much that every time a man wants a new set of hames he has to write to the Secretary of Agriculture and get a permit to go to the village store to buy them.

There never has been a case, so far as I know, where a separate department of the Government has been set up by regulations passed by two members of the Cabinet. Here is a case where the Attorney General and the Secretary of the Treasury will create in the Federal Government a department which it is the duty of Congress to create, if it is to be created at all. Here is a case where we turn over carte blanche, without any limitations or restrictions, to two Cabinet officers the right to set up a department, with such employees and under such conditions as they see fit.

My amendment was designed primarily, at least, in that very doubtful proceeding, to compel the officers of the Attorney General's office to deal with that phase of the prohibition question, and to have the other functions—namely, the issuance of permits and the collection of taxes—safeguarded through the Treasury Department.

Mr. HASTINGS. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. HASTINGS. Does the Senator contend that the setting up of the Bureau of Prohibition in any way extends the existing law to either the Treasury Department or to the Attorney General's department?

Mr. TYDINGS. Of course.

Mr. HASTINGS. In what particular does it extend the law?

Mr. TYDINGS. Strictly speaking, I might answer the Senator in the negative, but, speaking generally, I would have to answer him in the affirmative, because this very measure provides that the Secretary of the Treasury and the Attorney General shall issue all regulations governing the enforcement of this act which they desire. We are going to have legislation by regulations issued by the Attorney General and by the Secretary of the Treasury.

I have an amendment dealing with that phase of the bill. I have no objection to Congress taking this action if it deems it wise, but I think we are going pretty far when we say to two Cabinet officers, "Gentlemen, you set up a department of the Government generally as you would like to have it run. We are satisfied to take your words on that particular issue."

I hope that any Senator who votes for this proposition without restriction will never rise again in this Chamber and assail bureaucracy, because if he does he will be the biggest hypocrite—with all due respect—from a legislative standpoint, of which one can conceive. It is proposed to turn over to two Cabinet officers the right to create a separate bureau, without Congress having any right to place such limitations on it as



to keep the departments within their proper and respective spheres.

Mr. HASTINGS. Mr. President, if the Senator will read the last three lines, namely—

And apportion to such enforcement division so much of the personnel, appropriations, records, files, and property of said bureau as they shall agree upon—

he will see that there is merely an effort made to have these two Cabinet officers set up how this particular thing shall be done.

Mr. TYDINGS. If the Senator will read, instead of the last three lines, the first three lines, he will find this language:

The Secretary of the Treasury and the Attorney General by joint regulation shall, as soon as may be after the passage and approval of this act, create an enforcement division—

And so forth.

Mr. HEBERT. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. HEBERT. I may say, for the information of the Senator, that the creation of this enforcement division in the Treasury Department is merely procedural, and the enforcement division in the Treasury Department will disappear immediately the transfer has been made to the Attorney General's department. It is merely for the purpose of taking care of hundreds of civil-service employees in the Treasury Department who can not be transferred in any other way. Once they have been transferred, there will be no such thing as an enforcement division anywhere, except as it may be created in the Attorney General's department.

Mr. TYDINGS. They can be transferred in another way, and the very fact that the Senator is contending against my amendment, I say with all due respect, shows that he does not want them transferred in the way I suggest. They can be transferred, and Congress ought to define the limits of the transfer, and, as I said to the Senator from Delaware a while ago, not leave the language in such shape that the Secretary of the Treasury and the Attorney General shall create, without a single limitation placed upon them, such a bureau as they shall agree upon.

Mr. HEBERT. Mr. President, the purpose of that provision is to segregate the employees whom the two departments agree shall be transferred from the Treasury to the Attorney General's department, and for no other purpose. Once that has been accomplished, the enforcement division set up by this bill will disappear, will no longer be in existence. It is merely a mode of procedure that is set up in this bill so as to facilitate the transfer of civil-service employees en bloc over to the Attorney General's department. Any other procedure would result in chaos, it would deny to many civil-service employees in the Treasury Department their civil-service status; in fact, they would be out of work, and the Attorney General would then be required to select his personnel for enforcement out of the civil-service list.

Mr. TYDINGS. Mr. President, I will say to the Senator that the picture he has painted is not altogether an accurate one. I am not objecting to the transfer of these men. I have placed no hindrance in the way of their transfer. All I have asked is that the transfer of the employees to the Department of Justice shall be of those engaged in investigating violations of the law and in prosecuting violations of the law; that Treasury officials, whose duties deal primarily with the Treasury Department, shall not be transferred to the Department of Justice. I have not placed one restriction in the way of the proper investigation and prosecution of all violators of the law, although I do think that the creation of this department, without any limitation, by two Cabinet officers instead of by Congress, which is the legislative branch of the Government, is a very unwise thing.

If the Senate wants to adopt this measure it, of course, may do so. I have said all I can say on it; I am satisfied, and I shall vote against it.

Mr. BLAINE. Mr. President, before the Senator takes his seat, I should like to call his attention to this very important feature. This amendment provides:

That the Secretary of the Treasury and the Attorney General shall apportion appropriations.

That refers to money, money which has been appropriated by Congress for a specific purpose. These two Cabinet officers may take those appropriations and divert their use from the use designed by Congress in the original appropriation bill.

Mr. TYDINGS. That is quite true.

Mr. BLAINE. They can take all the money or only a portion of it. I doubt if there ever was in the history of this country such power over finances placed in the hands of two depart-

ments. I thought the Senator's attention ought to be called to that very important feature.

Mr. TYDINGS. If the Senator will permit an interruption there, under the amendment which I have proposed, added to the one the Senator from Rhode Island offered, they could only transfer such part of the appropriations as would deal with the transfer of the enforcement officers from the Treasury to the Department of Justice.

Mr. BLAINE. That is, the money which has been appropriated by Congress for this specific purpose will be transferred, under the Senator's amendment, as I understand it?

Mr. TYDINGS. That is right.

Mr. OVERMAN. Mr. President, if the Senator will yield to me, I want to state that when the last appropriation bill was passed there was no bureau in the Department of Justice such as that proposed; the activity was all in the Treasury Department. We had to make the appropriation and did make the appropriation so the matter could go on just as it is. If we make this transfer, it will not be necessary to make another appropriation. We merely allow the money which has been appropriated from the Treasury for the enforcement of the prohibition law to be transferred over to the Department of Justice.

Mr. BLAINE. I understand there is no present bureau in the Treasury Department, but there is presently an appropriation for the Treasury Department for the enforcement of prohibition. Under the bill now before us the Attorney General and the Secretary of the Treasury may take that appropriation and transfer all of it or any portion of it or split it up to suit themselves. Such a policy, in my opinion, has never been approved by the Congress.

Mr. OVERMAN. It simply transfers from the Treasury Department to the Department of Justice the money which has already been appropriated, and this is to direct how the money shall be turned over to the Department of Justice. Otherwise that department would have no money for the purpose unless we should pass another appropriation bill and repeal the one heretofore passed. Why not allow the two Cabinet officers to get together and divide the money already appropriated as provided in this measure?

Mr. BLAINE. Under the amendment of the Senator from Maryland the money which has been appropriated for a specific purpose will be transferred for identically the same purpose. The purpose of the Senator from Maryland is to have Congress act instead of permitting two Cabinet officers to divide the money to suit themselves.

Mr. TRAMMELL. Mr. President, I desire to suggest an amendment to the amendment proposed by the Senator from Maryland. In line 4 of his amendment, after the word "of," insert the words "and the administering of." With that phrase inserted in the amendment it would then read:

As are charged with the duty of investigating violations of and the administering of the national prohibition act and the detection and apprehension of offenders against said act.

That, in my opinion, would not bar in any way the transfer of anyone who should be transferred. I am rather in sympathy with the idea of the Senator from Maryland that we do not want to give any carte blanche authority in the matter.

Mr. TYDINGS. Mr. President, I accept the amendment of the Senator from Florida to my amendment. I think it goes to 90 per cent of all the objections raised by the Senator from Rhode Island. As I stated in the beginning, I do not want to hinder the transfer, although I think it is a poor policy to have it conducted by the regulations of two Cabinet officers; but if it is safeguarded within reasonable limitations no great harm can come from it.

Mr. TRAMMELL. I suggest that the Senator's amendment be modified to that effect.

Mr. TYDINGS. I accept the modification.

The PRESIDING OFFICER. The amendment as modified will be stated.

The LEGISLATIVE CLERK. On page 3, line 2, in section 3, strike out the words "as they shall agree upon" and insert in lieu thereof the words "as are charged with the duty of investigating violations of and the administering of the national prohibition act and the detection and apprehension of offenders against said act."

Mr. HEBERT. Mr. President, I fear that the modification proposed by the Senator from Florida will confuse the language all the more, because, after all, those engaged in issuing permits are in a way engaged in administering the prohibition law. They have something to do with the administering of the prohibition law. In that case they would all be transferred over to the Department of Justice, and yet the bill specifically provides that they shall not be so transferred. I hope the amendment as modified will not prevail.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maryland, as modified, to the amendment of the committee.

Mr. VANDENBERG. Mr. President, I desire to ask the Senator from Rhode Island a question. Under the paragraph which we are discussing, am I correct in the assumption that the enforcement division in the Bureau of Prohibition in the Treasury Department thus created is purely temporary?

Mr. HEBERT. That is merely procedural. It will go out of existence and there will be no such thing in existence the minute the employees have been transferred.

Mr. VANDENBERG. In other words, it might go out of existence in 60 days?

Mr. HEBERT. Yes; or in 30 days, or just as quickly as the law becomes effective.

Mr. VANDENBERG. Where is the provision in the bill which takes it out of existence after the transfer is completed?

Mr. HEBERT. It operates in and of itself, because the enforcement division will be in the Department of Justice and there is no more enforcement in the Treasury Department as soon as the transfer becomes effective. Therefore there will be no enforcement division in the Treasury Department. The enforcement division provided for is merely for the purpose of transferring those employees whom the two departments agree should go over to the Department of Justice.

Mr. VANDENBERG. Does not the Senator think the entire purpose of subsection (a) would be clearer and obviate many criticisms if the following language were added at the end of the committee amendment?—

But such enforcement division shall cease to exist when the transfer is completed under section (d).

Mr. HEBERT. I see no objection to that with a slight modification. Will the Senator state the language again?

Mr. NORRIS. Mr. President, may I ask the Senator a question at that point?

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Nebraska?

Mr. HEBERT. I yield.

Mr. NORRIS. Did the Senator from Rhode Island accept the amendment?

Mr. VANDENBERG. No; he did not accept it. He merely asked me to read it again.

Mr. NORRIS. It seems to me clear that if the language were agreed to, which the Senator from Michigan has suggested, it would create a serious defect. I think the Senator from Rhode Island used the word "division" when he intended to use the word "bureau." This is a division which is created in the bureau. The bureau is now in the Treasury Department. However, there is no legal division. Congress never provided for it. They have one there in effect, but there is very serious doubt whether they have authority of law to create a division without an act of Congress.

This bill specifically creates a division in the Bureau of Prohibition Enforcement in the Treasury Department. When that is created and we transfer the bureau to the Department of Justice it takes with it, of course, the division which was created by the amendment. It seems to me that is clear.

Mr. VANDENBERG. In other words, the Senator from Nebraska thinks the division here created in the Treasury Department automatically goes out of existence when the transfer is made?

Mr. NORRIS. No; I do not think it goes out of existence; but it remains a division in the bureau. The bureau is transferred, and the division being a part of the bureau, it goes with the bureau, of course.

Mr. HEBERT. I do not so construe it. It is my understanding—and in this I am sustained by the opinion of the Attorney General, with whom I conferred—that the enforcement division in the Treasury Department will cease to exist immediately the transfer has been made.

Mr. VANDENBERG. That is precisely the statement I was suggesting might clarify the matter. I make no point of it.

Mr. HEBERT. May I ask the Senator to read the language he proposes?

Mr. VANDENBERG. I propose to add the following:

But such enforcement division shall cease to exist when the transfer is completed under section (d).

Mr. TYDINGS. Mr. President, did the Senator from Rhode Island accept the amendment?

Mr. HEBERT. I see no objection to the amendment except that I should like to modify it slightly.

Mr. TYDINGS. Does the Senator from Michigan insist on offering it?

Mr. VANDENBERG. I do not insist. I am suggesting it purely for the purpose of clarification. I am not sufficiently familiar with the details to be warranted in offering it formally.

Mr. TYDINGS. The Senator has not offered it?

Mr. VANDENBERG. I have not.

Mr. TYDINGS. Then, as I understand the situation, my amendment to the amendment of the committee is pending. I suggest the absence of a quorum.

The VICE PRESIDENT. Does the Senator from Rhode Island yield for that purpose?

Mr. HEBERT. I do.

The VICE PRESIDENT. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

|           |              |                |               |
|-----------|--------------|----------------|---------------|
| Allen     | Fess         | La Follette    | Simmons       |
| Ashurst   | Frazier      | McCulloch      | Smoot         |
| Baird     | George       | McKellar       | Steck         |
| Barkley   | Gillett      | McMaster       | Stelwer       |
| Bingham   | Glass        | McNary         | Stephens      |
| Black     | Glenn        | Metcalf        | Swanson       |
| Blaine    | Goldsborough | Norris         | Thomas, Idaho |
| Ellease   | Greene       | Oddie          | Thomas, Okla. |
| Borah     | Hale         | Overman        | Townsend      |
| Bratton   | Harris       | Patterson      | Trammell      |
| Brock     | Harrison     | Phipps         | Tydings       |
| Broussard | Hastings     | Pine           | Vandenberg    |
| Capper    | Hatfield     | Ransdell       | Walcott       |
| Caraway   | Hawes        | Reed           | Walsh, Mass.  |
| Connally  | Hayden       | Robinson, Ark. | Walsh, Mont.  |
| Copeland  | Hebert       | Robinson, Ind. | Waterman      |
| Coutzens  | Howell       | Robison, Ky.   | Watson        |
| Cutting   | Johnson      | Schall         | Wheeler       |
| Dale      | Jones        | Sheppard       |               |
| Deneen    | Kendrick     | Shipstead      |               |
| Dill      | Keyes        | Shortridge     |               |

The VICE PRESIDENT. Eighty-one Senators have answered to their names. A quorum is present.

Mr. HEBERT. Mr. President, being convinced that the amendment which has been suggested to paragraph (a) of section 3 will not add anything to the bill, but will rather confuse the provisions of it, I hope it will not prevail.

Mr. TYDINGS. The amendment which is pending will add something to the bill; it will simplify it and eliminate the confusion which is contained in the committee amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Maryland to the committee amendment.

Mr. TYDINGS. I ask for the yeas and nays.

The VICE PRESIDENT. Is there a second to the request for the yeas and nays?

Mr. SHORTTRIDGE. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator from California will state it.

Mr. SHORTTRIDGE. May the amendment be reported?

The VICE PRESIDENT. Let the amendment be reported.

The LEGISLATIVE CLERK. The amendment of the Senator from Maryland [Mr. TYDINGS], as modified, to the committee amendment is as follows:

On page 3, line 2, in section 3, to strike out the words "as they shall agree upon" and to insert in lieu thereof the words "as are charged with the duty of investigating violations of and the administering of the national prohibition act and the detection and apprehension of offenders against said act."

The VICE PRESIDENT. Is there a second to the request for the yeas and nays?

The yeas and nays were not ordered.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Maryland to the committee amendment.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. TYDINGS. Mr. President, I should like the RECORD to show that on the last vote, so far as I know, I was the only Senator who voted in the negative on the committee amendment.

The VICE PRESIDENT. The Secretary will state the next committee amendment.

The LEGISLATIVE CLERK. The next committee amendment is, on page 4, section 4, line 6, to strike out the word "thereof" and the semicolon and to insert the words "of such act and laws," so as to make the clause read:

SEC. 4. (a) The following duties are imposed upon the Attorney General:

(1) The investigation of violations of the national prohibition act, and violations of the internal revenue laws if a violation of such act is involved, for the purpose of enforcing the penal provisions of such act and laws.



The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. The next committee amendment will be stated.

The next committee amendment was, on page 4, line 8, after the word "such," to strike out the word "act" and to insert the words "act, and offenders against the internal revenue laws if a violation of such act is involved," so as to make the clause read:

(2) The apprehension and prosecution of offenders against such act, and offenders against the internal revenue laws if a violation of such act is involved.

The amendment was agreed to.

The next amendment was, on page 5, line 3, after the word "therewith," to insert "and the power to make seizures and arrests for violations discovered in the course of such investigations," so as to make the clause read:

(b) The duty to make all investigations necessary in or incidental to administrative action with respect to permits and bonds given in connection therewith and the power to make seizures and arrests for violations discovered in the course of such investigations shall remain with the Secretary of the Treasury, but the Attorney General shall make such investigations as he deems necessary to prevent violations of, or for the purpose of enforcing the penal provisions of the national prohibition act.

The amendment was agreed to.

The next amendment was, on page 5, line 15, after the word "act," to insert "and offenders against the internal revenue laws if a violation of such act is involved," so as to make the clause read:

(c) The power under section 34 of Title II of the national prohibition act (U. S. C., title 27, sec. 51) to require copies of records and reports, the power to inspect records and reports kept or filed under the provisions of such act, the power to swear out warrants for offenders against such act, and offenders against the internal revenue laws if a violation of such act is involved, and the power and protection of section 28 of Title II of such act (U. S. C., title 27, sec. 45), are conferred upon the Attorney General, but such powers and protection shall also remain vested in the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, on page 8, after line 10, to insert a new section, as follows:

SEC. 9. Section 2 of the act entitled "An act relating to the use or disposal of vessels or vehicles forfeited to the United States for violation of the customs laws or the national prohibition act, and for other purposes," approved March 3, 1925, is amended to read as follows:

"SEC. 2. Any vessel or vehicle forfeited to the United States by a decree of any court for violation of the customs laws or the national prohibition act may, in lieu of the sale thereof under existing law, be ordered by the court, upon application of the head of the department by which the seizure is made, to be delivered to the Department of Justice for use in the enforcement of the national prohibition act, or to the Treasury Department for use in the enforcement of such act or the customs laws."

The amendment was agreed to.

The next amendment was, on page 9, section 11, line 6, after the word "the," to strike out the words "first day of the second month after its approval" and to insert "1st day of July, 1930," so as to make the section read:

SEC. 11. This act shall take effect on the 1st day of July, 1930.

The amendment was agreed to.

The VICE PRESIDENT. That completes the committee amendments. The bill is still before the Senate as in Committee of the Whole and is open to amendment.

Mr. HEBERT. Mr. President, there was a considerable volume of objections to the provision of the bill regulating the issuance of permits to use alcohol. Those objections came from druggists, wholesale and retail dealers in drugs, paints, and chemicals, and men engaged in the various lines of industry in which the use of alcohol is required. They felt that what they called dual control of the issuance of such permits would delay them in securing the necessary quantities of alcohol as and when needed, and that they would be shuffled about from one department to the other. We are informed that there are now some 155,000 of such permits being issued from time to time or are in course of being issued.

The bill provides that applications for such permits shall be subject to the approval of the Secretary of the Treasury and the Attorney General. If, as the objectors contend, this course were to be followed literally and all such applications should be referred to both departments before action should be taken,

there might be some merit in the objection, but the fact is that, in all probability, at the outset under the regulations, which I understand are already prepared, as many as 150,000 of the 155,000 permits will never come under the scrutiny of the Attorney General's department in any way. There will be a joint regulation issued by the two departments to provide for the issuance of a large volume of permits without any delay whatsoever.

The reason why this provision, giving two departments supervision over the issuance of permits, is contained in the bill is that otherwise information which the Attorney General's department may have regarding violations of the permits or their improper use or issuance might never come to the attention of the Treasury Department; that department would therefore go right along in the usual run of things and issue such permits, and there would be no way to check violations.

The real purpose of this provision of the bill is to enable the Attorney General's department to have a check upon all permits, so that, as the investigators for the Department of Justice go about in the performance of their duties and their attention is called to what looks to them to be a violation of law, they can then report their findings to the Treasury Department, so that a further investigation may be made, and, if need be, the permit may be held up until a determination is had. There is objection on the face of the bill to what the objectors called "dual control"; but in practice there will not be dual control; the great bulk of the permits will be issued in due course by the Treasury Department, and, after all, it is conceded on all sides that the Treasury Department is the proper department to conduct this phase of the work in connection with the enforcement of prohibition.

Mr. COPELAND. Mr. President—

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from New York?

Mr. HEBERT. I yield.

Mr. COPELAND. I have been much distressed because of the many letters I have received from users of industrial alcohol in relation to the subject the Senator is now discussing. He states that the issuance of permits will be controlled and administered by the Treasury Department.

Mr. HEBERT. Oh, yes, Mr. President; all permits will be issued by the Treasury Department, just as they now are.

Mr. TYDINGS. Mr. President—

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Maryland?

Mr. HEBERT. Yes.

Mr. TYDINGS. Where in the bill does the Senator get his authority for making that statement? With all due respect to him, the statement seems to me to be rather gratuitous, when the bill specifically provides that the Attorney General and the Secretary of the Treasury shall jointly prescribe all regulations under the act. Where is there in the bill any provision that the Secretary of the Treasury alone shall issue these permits?

Mr. HEBERT. It is true, as the Senator says, that the Secretary of the Treasury and the Attorney General will jointly prescribe regulations, but there is no intention to transfer the permit division of the Treasury Department to the Attorney General's Department.

Mr. TYDINGS. That may be.

Mr. COPELAND. Mr. President—

The VICE PRESIDENT. To whom does the Senator from Rhode Island yield?

Mr. HEBERT. I yield now to the Senator from New York.

Mr. COPELAND. The question raised by the Senator from Maryland is the very point I have in mind. I can not see how the industrial alcohol users have any assurance that they will be dealt with in the future by the Treasury Department as they have been from time immemorial. So I, too, should like to know what there is in the bill that affords the users of industrial alcohol that hope?

Mr. NORRIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Nebraska?

Mr. HEBERT. I yield.

Mr. NORRIS. I am in sympathy with the idea suggested by the question of the Senator from New York. It is a very proper question and involves a matter which has bothered me a great deal ever since this question has arisen. However, I reached the conclusion that the best action to take is that taken by the committee, which acted after an understanding as to how the departments would operate; in fact, they have really agreed now on the regulations.

I can see, Mr. President, if the two departments were not working in harmony, that the difficulty which the Senator from New York has suggested would arise, and it might be a serious difficulty. No one wants to make difficult the securing of per-

mits by those who are honestly using alcohol and have the right to use it. Nevertheless, we must realize that a great deal of liquor has been sold through bootlegging operations which has been secured through illegal or fraudulent permits.

Nobody wants to transfer this particular branch of the work over to the Attorney General or to the Department of Justice, because the Treasury Department is equipped to take care of it; it has charge of the collection of internal revenue and other things, and it would be inadvisable in the view of everyone, I think, to transfer this particular function from the Treasury Department. So there comes a point where the issuing of permits ought to remain with the Treasury Department.

On the other hand, if the Attorney General at the head of the enforcement division should in his work of enforcing the prohibition law find some one having a permit who has obtained it unlawfully or by fraud or misrepresentation he ought to be in a position where he could lodge a complaint and prevent such an individual getting another permit, or have the present permit revoked if the facts warrant such action. That is the condition we have to meet.

If the Attorney General and the Treasury Department were at odds and were fighting each other, I doubt whether this provision of the bill would work; and if the time shall ever come when they can not act in harmony, I think Congress would necessarily have to change the law. However, we are now told that if we leave it in this way the vast bulk of honest corporations and individuals who are users of industrial alcohol under permits will have no more trouble after this bill shall have been enacted into law than they have now, because under the regulations which will be made for all practical purposes the Treasury Department will handle the matter. The Attorney General, however, ought to have the power to prevent the issuance of permits in cases where in his work he concludes that a bootlegger is getting the permit, and the Treasury Department perhaps does not know anything about it. I am not satisfied with it, but it seems to me that at least we ought to give it a trial in this way.

Mr. TYDINGS. Mr. President, will the Senator yield to me? The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Maryland?

Mr. HEBERT. I yield.

Mr. TYDINGS. May I point out to the Senator from Nebraska, whose explanation is very clear, that the last three lines of paragraph (a) of section 5 read as follows:

That all regulations relating to the Bureau of Prohibition in the Department of Justice shall be made by the Attorney General.

It occurs to me that in this whole bill the Attorney General has had conferred on him the power to make regulations which would prohibit the Treasury Department issuing a permit to any person who had violated the law.

As I understand, Mr. President, there is no amendment now before the Senate.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole and open to amendment, but the Senator from Rhode Island [Mr. HEBERT] has the floor.

Mr. TYDINGS. I thought the Senator had finished.

The VICE PRESIDENT. Does the Senator from Rhode Island yield the floor?

Mr. HEBERT. Yes, Mr. President.

Mr. TYDINGS. I desire to offer an amendment, so that we will have something before the Senate.

The VICE PRESIDENT. The Senator from Maryland.

Mr. TYDINGS. I offer an amendment, as follows:

On page 6, line 10, strike out the words "The Attorney General and the" and insert in lieu thereof the word "The," and in line 11 thereof strike out the word "jointly," so that paragraph (a) of section 5, on page 6, would read as follows:

The Secretary of the Treasury shall prescribe all regulations under this act and the national prohibition act relating to permits, and the form of all applications, bonds, permits, records, and reports under such acts: *Provided*, That all regulations relating to the Bureau of Prohibition in the Department of Justice shall be made by the Attorney General.

Mr. COPELAND. Mr. President, I hold in my hand a letter from one of my neighbors in New York who is a manufacturer of flavoring extracts. I want to read one brief paragraph, because it describes the attitude of these honest business men who feel outraged by what is proposed in the pending bill.

This is what my correspondent says:

The industrial-alcohol users are really in a desperate situation under the bill as reported. The crux of the matter is this:

From time immemorial industrial-alcohol users have contacted with and been supervised by the Treasury Department, which has a back-

ground of many, many years' intelligent handling and experience with business people like ourselves. There is a list of industrial-alcohol users in the Treasury Department that reads like a bluebook of American business. These people are beyond question and above reproach in their methods of using and handling alcohol.

It is now proposed to place the handling and regulation of these people in the Department of Justice. You, as a physician and a man of experience, will readily understand that the psychological attitude of the Department of Justice will be one of espionage and suspicion from the very nature of its background of handling criminal matters.

Mr. TYDINGS. Mr. President, in line with what the Senator has just said I desire to say that all of these amendments I have offered have been offered at the request of the following organizations:

The American Drug Manufacturers' Association.

The American Chemical Society.

The Flavoring Extract Manufacturers' Association of the United States.

The Baltimore Drug Exchange Bureau.

The National Paint, Oil, and Varnish Association.

The Proprietary Association.

The National Association of Retail Druggists.

The National Beauty Parlor and Supply Dealers' Association.

The National Manufacturers of Soda Water Flavors.

The National Association of Manufacturers of Fruit and Flavoring Extracts.

The National Confectioners' Association.

The Rhode Island Pharmaceutical Association.

The National Wholesale Druggists' Association.

It is only at the request of these people, who have to deal with this subject and who have been dealing with it for the past 10 years, that I have offered the first amendment which the Senate defeated, and am now offering the second, which I presume will meet a like fate.

Mr. COPELAND. Mr. President, it seems to me, if I may say it in all kindness, that we have lost all sense of proportion. We are so desperate over the prohibition situation, and are so beset by lobbyists for that idea, that some Senators appear to be scared to death every time something comes up for consideration in the way of legislation that touches at all the question of alcohol.

There are specific uses for alcohol, perfectly legitimate and honest and proper uses for alcohol, besides the use of alcohol as a beverage. Why are we so obsessed, why are we so beset by the fear of offending persons who are fanatical on prohibition, that we are not willing to recognize the distinction between the honest and legitimate and proper use of alcohol and the use of alcohol for beverage purposes which, in excess, everybody concedes must be harmful?

Here is a great group of American citizens, American business men; as my correspondent says, a list that reads like a bluebook of American business. They have been dealing with the United States Government for years and years, long before this question of prohibition became so prominent in the country. They have gone along successfully and decently, without scandal or criticism; but now, because we have lost all sense of proportion, we propose to impose upon them what they regard as a disgrace—that their honest business shall be under the supervision of the Department of Justice, and that the suspicion will attach to them that they are bootleggers, seeking to evade the law.

I think we should stop for a moment, and give consideration to the honest appeal of this great group of American business men before we take final action; we should, if possible, amend the bill so that the real purposes of the bill may be carried out and the illegitimate distribution of alcohol stopped. We should make sure that honest business men shall not be interfered with in the operation of their affairs.

Mr. WALSH of Massachusetts. Mr. President, I should like to ask a question or two of the Senator from New York or some other Senator who is familiar with this bill.

We all agree that the issuing of permits to manufacture and sell alcohol is a very important problem in the enforcement of prohibition. To what department of the Government is the issuing of these permits now intrusted?

Mr. COPELAND. For industrial alcohol?

Mr. WALSH of Massachusetts. Yes.

Mr. COPELAND. The Department of the Treasury.

Mr. WALSH of Massachusetts. Under this bill, if it is enacted into law, what department will issue these permits?

Mr. COPELAND. There will be a joint board, as I understand. Jointly, the Department of Justice and the Department of the Treasury are to work out rules and regulations.

Mr. WALSH of Massachusetts. Some one of these boards will have to receive the applications and pass upon them in the



first instance, unless the two boards sit jointly. Is that the understanding?

Mr. COPELAND. The popular idea—and I think we have a right to assume that that is correct—is that hereafter the major part of supervision of this whole problem will be in the Department of Justice.

Mr. OVERMAN. Mr. President, if the Senator will yield to me, I think he is mistaken in that.

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from North Carolina?

Mr. COPELAND. I do.

Mr. OVERMAN. I was deeply in sympathy with these industrial-alcohol people, so much so that I continued the hearings. We had hearings here day after day from every industrial-alcohol man in the United States, I think—telegrams and letters and witnesses—and I was deeply sympathetic with them until I talked with the Attorney General and understood his position in the matter.

These regulations have grown up, as these industrial-alcohol people state, for 10 years or more; they have satisfactory regulations now, and they did not want the present plan changed, because they understood it, the Treasury Department understood them, and it had been worked out by experts. In talking with the Attorney General, however, I learned that he does not propose to have anything to do with these regulations except when he finds that some man is getting alcohol illegitimately, for illegitimate purposes, and they say that a great deal of alcohol has gone out in that way. He wants to be in position to stop that permit. He wants to be in position to say, "Do not issue that permit. This man is a blockader; he is a criminal." That is about all he wants to have to do with it.

Mr. COPELAND. Let me ask the Senator whether the committee gave some thought to formulating the very proper distinction that the Senator has made? Of course, if there is an illegitimate extraction of alcohol from some warehouse, alcohol which is going to be diverted into a bootleg establishment, there ought to be some way to regulate that; but why should these legitimate, honest men, who for years have been dealing with the department, be subjected to the oversight and supervision of the Department of Justice?

Mr. OVERMAN. As I said to the Senator, I deeply sympathized with these men and proposed to support their amendment, until I ascertained the ideas of the Attorney General and understood the situation as it was. I found out from him that if he is to enforce this law he wants to have the right to enforce it. He does not intend to interfere with these permits legitimately issued. The permits will be granted by the Secretary of the Treasury just as they have been, by order, of course in formal conjunction with the Attorney General. He does not propose to block any permit except where he is satisfied that alcohol is gotten out for illegitimate purposes.

Mr. COPELAND. Mr. President, let me ask my genial friend a question. Do I, then, represent correctly what the situation is—and the Record should carry it—that if this bill becomes a law, applications for the use of industrial alcohol will be made in exactly the same way as at present, the permits will be granted in exactly the same way as at present, and the only purpose of the new arrangement is that in case of suspicion on the part of the Attorney General that an illicit use is being made of some of the industrial alcohol withdrawn in that manner, he would then have veto power over the Treasury, or the power to take charge of the case?

Mr. OVERMAN. Mr. President, the Senator from Rhode Island [Mr. HEBERT] was on the committee with me, and he had conversation after conversation with the Attorney General. That is my understanding. I will ask the Senator from Rhode Island if that is not the understanding?

Mr. HEBERT. That is clearly the understanding. I stated at the outset of my explanation of the paragraph which refers to permits that there are in the neighborhood of 155,000. As to the very great volume of business no question will ever arise. It is true that the regulations for their issuance will come from the joint action of the Attorney General and the Secretary of the Treasury.

Mr. COPELAND. Now, may I ask the Senator another question? May I say to this correspondent and hundreds of others that it is not proposed to change the handling and regulation of the alcohol permits; that they will be applied for in the same manner and issued in the same manner; that there will be no disturbance of business where alcohol is used in legitimate business; that no change is contemplated, except that in case of suspicion on the part of the Department of Justice the Attorney General has coordinate power with the Treasury in placing a veto upon the issuance of the permits? Is that correct?

Mr. HEBERT. Mr. President, the Attorney General has assured us that there is no disposition to interfere with the

issuance of the large bulk of these permits. It is true that regulations will be agreed upon by the Attorney General and the Secretary of the Treasury. They will continue to be issued out of the Treasury Department, and it is our understanding that the regulations now in force will continue in force. It is only a small number of permits about which there is any question. Where there is any evidence that there is a diversion of alcohol for illicit purposes or a violation of the law by permittees, then the Attorney General will proceed to act.

Mr. COPELAND. Mr. President, let me interrupt the Senator at that point just one moment. Under the present conditions if suspicion arises on the part of the Attorney General's office that there is an illicit withdrawal of alcohol there is now some way of dealing with it, is there not?

Mr. HEBERT. I believe there is.

Mr. COPELAND. We hear all the time of the drying up of the sources of illicit alcohol.

Mr. FESS. Mr. President, will the Senator from New York yield?

Mr. COPELAND. I yield.

Mr. FESS. I have been very greatly impressed with the attitude of the Senator from New York, because he approaches this question just exactly as it was approached by those of us who did not want to interfere with the legitimate use of alcohol because of the great amount of alcohol that is used in industry.

There was an effort originally to avoid interfering with the legitimate use of alcohol that would disturb business, and the matter was gone over very thoroughly. It was represented to us that without the restrictions we were about to impose, a large amount of alcohol would be diverted to illegitimate uses. The figures given were quite alarming, and it was recommended that we put very rigid restrictions upon the issuance of alcohol.

Finally an agreement was reached on the law as it now stands. Then, when the matter of putting the enforcement in the Department of Justice came up, we only had in mind the enforcement of the law. Consequently there has been only on the part of those who have not studied into the question a desire to transfer the permit feature over to the Justice Department.

There is no desire on the part of the industry or on the part of the administration, so far as I know, to transfer the permit feature to the Department of Justice, because 90 per cent of all the business is in the Treasury Department and we want to keep it there. But this is what has occurred, the Senator will recognize. One great thing with which we are battling is illicit use. Alcohol is being gotten out in some way. It was thought that there ought to be a greater freedom on the part of the prosecution department of the Government to deal with the illicit use. There would be no effort to transfer from the Treasury Department the alcohol-permit feature, but when there is a violation there ought to be more authority on the part of the Department of Justice to deal with it, transfer the whole prosecution over to the Department of Justice. It is a very difficult problem to deal with. I have had correspondence with friends, as the Senator has had, who have an enormous volume of business in industrial alcohol, and I have tried to explain that we are trying to get at the illicit use without transferring the permit feature from the Treasury Department—we are leaving it there—but to give greater freedom to the prosecution department to deal with violations. The Senator is trying to get exactly what I have in mind, and while it is not satisfactory, it seems to me this is the best we can do.

Mr. COPELAND. Mr. President, I thank the Senator. Of course he realizes, and every other Senator realizes, that in the making of all pharmaceuticals, in the making of tinctures and extracts, of drugs which are in daily use by every physician in the world, alcohol is used, and must be in order to preserve the vegetable substances which give the medicinal properties.

Mr. FESS. The unfortunate thing is the 95 per cent who do not violate the law must suffer some inconvenience for the 5 per cent who are violating the law.

Mr. COPELAND. Of course, that is what I had in mind a little while ago when I said that sometimes I believe we have lost our sense of proportion. We are so eager to punish the 5 per cent that we impose almost any burden upon the 95 per cent.

So long as the prohibition law is on the statute books, it must be enforced. I think every sane American believes that. But alcohol is used in every drug store; in every medical and surgical office; in every paint shop; in the making of varnish. Industries must have it, and we should not impose such hardships upon the legitimate users of alcohol that their business will be seriously crippled.

Mr. WALSH of Massachusetts. Mr. President, I understand that this bill changes the Bureau of Prohibition in the Treasury

Department so that it shall be known hereafter as the Bureau of Industrial Alcohol, and that the Commissioner of Prohibition in the Treasury Department shall hereafter have the title of Commissioner of Industrial Alcohol. Does the Senator from New York understand that all the other functions of the present Bureau of Prohibition except those relating to industrial alcohol are to be transferred to a bureau of prohibition to be created in the Attorney General's Department?

Mr. COPELAND. I so understood.

Mr. WALSH of Massachusetts. And that there is no other function to be left to the Treasury Department except the issuing of alcohol permits through the commissioner of industrial alcohol set up in this bill?

Mr. COPELAND. That is exactly what I understood. But now we have the assurance of the Senator from North Carolina, the Senator from Rhode Island, and the Senator from Ohio that, in spite of this new legislation, these permits are going to be issued in exactly the same way in which they have been issued in the past.

Mr. WALSH of Massachusetts. I want to go back of that for a moment, and I want the Senator's attention.

There must be a reason for this change, this radical change, in wiping out one bureau and substituting another. The reason, of course, is that the prohibition leaders in this country have not been satisfied with the administration of the law by the present Prohibition Bureau, and we have learned this morning by the admission of no less a person than the distinguished and able Senator from Ohio, that one of the serious criticisms of the administration of this law by the Bureau of Prohibition is that they have not been able to control their own permits, that they have been issuing permit after permit to people who have used large volumes of this alcohol for illegitimate purposes.

Mr. FESS. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. I yield.

Mr. FESS. I know the Senator's attitude to be absolutely fair. I think his criticism that there have been permits for illegitimate purposes is unfounded.

Mr. WALSH of Massachusetts. The Senator said that the people who got liquor on permits had diverted that liquor into illegal channels. How are we ever going to enforce prohibition? How are you ever going to stop bootlegging and stop the illegal transportation and sale of liquor if you can not control your own permits and prevent these permits to be used for illegal purposes?

Mr. FESS. There is no doubt that liquor is gotten from some source other than the Government for illegitimate purposes. It is being diverted. Otherwise there would not be this bootlegging. But I do not think the Senator meant to say that the department is issuing permits to persons to withdraw alcohol for illegitimate purposes.

Mr. WALSH of Massachusetts. No; I had no intention of saying that.

Mr. FESS. I thought not.

Mr. WALSH of Massachusetts. But I am taking occasion to call attention to the fact that the very presence of this legislation here, the very fact that a bureau which has been intrusted with the administration of the prohibition law is being completely changed, means that there has been a failure upon the part of that bureau to administer the law to the satisfaction of the ardent supporters of prohibition in this country.

Mr. FESS. I think the Senator is correct in that statement.

The Senator might be interested to know that the proposal to transfer from the Treasury Department to the Department of Justice has consistently been opposed by a great group of the strongest temperance supporters.

Mr. WALSH of Massachusetts. I am very glad to hear that.

Mr. FESS. On the ground, they say, that the decisions have been built up in the Treasury Department and that it would be unwise to carry the activity over into the Department of Justice. With that group for a long while I had sympathy, but I have come to the conclusion that there is so much bootlegging, which we have to reach in some way, that greater authority ought to be given to the prosecution department than we have thus far given. That is why I am in favor of this measure.

Mr. WALSH of Massachusetts. I do not like the idea of the Department of Justice becoming an administrative department to the extent of carrying out the enforcement of a declared policy on prohibition or any other question. I insist that the Department of Justice be intrusted merely with the prosecution of all law violations.

Mr. TYDINGS. Mr. President, will the Senator from Massachusetts yield to me?

Mr. WALSH of Massachusetts. I prefer to see the Department of Justice confined to the important and wholesome and necessary problem of maintaining and preserving essential jus-

tice, and not going into the field of administering the provisions of any law, whatever it may be. I yield to the Senator from Maryland.

Mr. TYDINGS. I would like to say to the Senator that the first amendment, which was voted down a moment ago, was right in line with the Senator's argument. In other words, that amendment sought to safeguard in the Department of Justice the enforcement of the laws of the country. Now, we have the opposite thing in this measure. This seeks to give the Attorney General the administrative powers in the Treasury Department—and what is the use of having two departments? Why not merge them and just have "the Attorney General and the Treasury Department of the United States"?

Mr. WALSH of Massachusetts. It is most regrettable. I do not think we appreciate what we are doing. I do not think we realize in what direction we are leading when we are dumping into the Department of Justice the technical, administrative features of any law or any other governmental activity, whatever it may be, other than the administration of justice.

Let us keep the Department of Justice secure and sacred, and hang over the door only one word, "Justice," and not hang over it the words "The prosecution of violators of liquor laws principally, and the prosecution of all other law violators only incidentally."

Mr. WHEELER. Mr. President, will the Senator yield to me?

Mr. WALSH of Massachusetts. I yield.

Mr. WHEELER. I am in entire sympathy with what the Senator has said about the Prohibition Unit going over to the Department of Justice. I think it is the most unfortunate thing that could happen to the Department of Justice. I think it is going to have a tendency to degrade it; it is going to have a tendency to bring it into disrepute. I think it is the most unfortunate thing that could possibly happen to the Department of Justice. But I felt this way about it: That if the administration—and I assume this is an administration measure—feel that it can not be intrusted to the Treasury Department, where it has been, and that there has been a breakdown because it has been in the Treasury Department, and they want to unload this onto the Department of Justice, then I am inclined to vote for it, because of the fact that I do not want to be put in the position of opposing something which the administration wants, if they feel it is going to be better for enforcement. But because of my own connection with the Department of Justice in former years I predict that if they turn this matter over to the Department of Justice, it is simply going to tear down completely the respect and the confidence the people of this country have in the prosecution of cases by the Department of Justice.

Mr. WALSH of Massachusetts. Mr. President, I am in full accord with the sentiments so well expressed by the Senator from Montana. I assume the Senator's position is that taken by a good many of us, both those who are not enthusiastic supporters of the prohibition law and those who are enthusiastic supporters of the prohibition law, namely, that we must not appear to be doing anything by word or deed that would seem to be interpreted as a disposition to favor a lack of honest administration of the law. Therefore we are following blindly the leadership of those who say, "Give us another chance; give us a new bureau and we will be able to prove that prohibition can be enforced." It is unfortunate that many are surrendering their independence largely because of a desire not to be placed in a position of being publicly accused of favoring any laxity in the enforcement of this law.

Mr. BARKLEY and Mr. COPELAND addressed the Chair.

The VICE PRESIDENT. Does the Senator from Massachusetts yield; and if so, to whom?

Mr. WALSH of Massachusetts. I yield first to the Senator from Kentucky.

Mr. BARKLEY. I appreciate the force of what the Senator from Massachusetts has said, but just wherein lies the difference between the prosecution of crime by the United States Government for violation of its laws and the prosecution of crime by a State government or by a city government? We all know that in the States we have certain prosecuting attorneys, district attorneys, local county prosecuting attorneys, and city prosecuting attorneys whose duty it is to assist in the detection and the prosecution and punishment of crime under the present law.

Mr. WALSH of Massachusetts. That is done in my State by the police departments and by State and local commissioners at the head of them. Having detected crime, they submit their evidence to the Department of Justice, who decide whether it is sufficient to justify prosecution. The State departments of justice do not regulate or control the enforcement officers. They merely conduct the court proceedings.

Mr. BARKLEY. That is true.



Mr. WALSH of Massachusetts. The detection of crime in my State is not intrusted to the legal departments of the State and city governments.

Mr. BARKLEY. Of course, the sheriffs of counties and the police departments of cities work in cooperation with the prosecuting officer in the detection and prosecution of crime. It is not the duty of any prosecuting officer to go out and arrest men. It is his duty to take the evidence submitted to him by those who gather it and determine whether a crime has been committed. There never has been any logical reason why the Treasury Department should be charged with the detection and punishment of violations of the prohibition law any more than the Department of the Interior, except that for a long time the enforcement of the internal revenue laws as to the collection of taxes on liquor was in the Treasury Department, and it fell heir to this work probably because of that fact. There is no logical reason why the Secretary of the Treasury as such should be charged with the detection of or prosecution for violations of the prohibition law than any other Cabinet officer or any other department. If there is no logical reason why the Treasury Department should be charged with that duty, is there any other department of the Government, where it should so logically go as to the Department of Justice?

Mr. WALSH of Massachusetts. The Department of Justice, as I understand it, is already intrusted with the prosecution of violations of this law the same as all other law.

Mr. BARKLEY. Oh, yes.

Mr. WALSH of Massachusetts. Its large army of able and skilled attorneys throughout the country are constantly having submitted to them evidence of violations of the prohibition law by the officials of the present Prohibition Bureau acting under the Secretary of the Treasury, and that evidence is weighed and cases prosecuted by United States district attorneys. That method seems to me to be the sane and sensible manner of conducting the legal administration of this law.

But it is quite apparent now that either the legal arm of the Government has lacked sympathy with the prohibition law so that it has failed to prosecute or give satisfaction to the prohibition leaders of the country, or the legal department has not been satisfied with the character of the evidence, standing, and activities of the agents of the bureau, so that there has been a failure to cooperate to the fullest extent. Some such differences would seem to be the cause of this radical change.

Mr. BARKLEY. I think it is unfortunate that there should be any division of authority in the enforcement of any law. It not only applies to the prohibition law, but to all other laws. It is unfortunate that there should be any division of authority so that one department or one agency can charge the other with any laxity in the performance of its duty.

Mr. WALSH of Massachusetts. There is no division in any other branch of the Government charged with the enforcement of any law.

Mr. BARKLEY. I do not think anybody can be absolutely sure that this transfer from the one department to the other is going to bring about the millenium or any material improvement, although, of course, we all hope it will; but no one can be sure of it because the same human agencies are to be brought into play that have been brought into play heretofore.

Mr. WALSH of Massachusetts. I am sure the Senator from Kentucky, with his fine legal mind and his ideals of justice and the administration of law, in his heart of hearts regrets to see this policy adopted. He, of course, favors trying it out as a last resort, but I am sure that he is not particularly enthusiastic over seeing this transfer made.

Mr. BARKLEY. I shall not relish seeing every district attorney become a hound for detecting crime and making of himself a detective. I never did think it was the duty of the prosecuting attorney to do so, and yet if there is to be any coordination between the assembling of evidence and its use in the courts I can very well understand that there ought to be a greater authority on the part of those who are charged with the prosecution in having some duty to perform in regard to the assembling and sifting of evidence and in regard to the making of regulations where regulations are necessary to carry out an act of Congress.

Mr. WALSH of Massachusetts. I thank the Senator for his observations. If this move is a failure, it will certainly tend to confirm the views of those who claim the prohibition law can not be enforced.

I want to ask the Senator from New York [Mr. COPELAND] just one other question. I understand that the other duties now in the Bureau of Prohibition are transferred to a new bureau of prohibition in the Department of Justice, except that industrial-alcohol permits still remain in the old bureau.

Mr. COPELAND. That is correct.

Mr. WALSH of Massachusetts. It is admitted that in the issuing of the permits there have been some abuses, that there has been alcohol obtained on permits which has been diverted for illegal uses, and the only remedy proposed, as I understand it, is that the Treasury Department will still continue to issue the permits, but that the Attorney General can issue some regulations. Is that the fact?

Mr. COPELAND. That is correct.

Mr. WALSH of Massachusetts. That is the way we are going to correct that evil, by the Attorney General writing a few regulations to control the commissioner of industrial alcohol in the issuing of permits.

Mr. COPELAND. It is just a little more than that. If the Senator will look at page 3 of the bill, beginning with line 10, he will see this remarkable language:

*Provided, That all officers and employees of the Bureau of Prohibition who the Attorney General finds have heretofore violated or shall hereafter violate any penal provisions of the Federal prohibition laws shall be dismissed.*

All of those men who have failed in the past, the crooks and criminals who have been retained in the Government and have failed to enforce prohibition, are now going to be dismissed under the terms of the bill. Does the Senator see that remarkable language?

Mr. WALSH of Massachusetts. Yes; I do. It is sweeping in character and suggestive of grave charges against officials in this bureau.

Mr. COPELAND. That is an amazing confession of impotence in the past.

Further, on page 3, under subdivision (b), the Bureau of Prohibition and all its officers are to be transferred to the Department of Justice. Then, under section 8, they will have a bureau of industrial alcohol, and there will be a commissioner of prohibition, who is to have the title of "commissioner of industrial alcohol," and all the employees, all the papers, all the records, and everything that has been necessary to carry on the enterprise in the past will have been transferred to the Department of Justice; so I can not for the life of me see how there can be anything else but an imposition upon those who are to have anything to do with it.

Mr. WALSH of Massachusetts. Why have they not transferred the granting of permits as well as the rest of the business?

Mr. COPELAND. I can not say, but they have not done it. It seems that we simply have the promise, and that means a lot to me, of the Senator from North Carolina [Mr. OVERMAN] and the Senator from Rhode Island [Mr. HEBERT] that the present Attorney General has said that they will not do that; but, so far as the bill itself is concerned and the machinery provided by it, the transfer has been made.

Mr. WALSH of Massachusetts. In other words, it looks to me as if the Department of Justice is trying to save its face from accepting the clerical job of doing an administrative piece of work under the terms of this bill, which is of considerable importance, namely, issuing permits.

Mr. COPELAND. I quite agree with the Senator.

Mr. HEBERT. Mr. President, of course, the statement of the Senator from New York is not exactly correct as to the transfer of everybody from the Treasury Department to the Department of Justice. There will be approximately 2,500 of the employees of the Treasury Department who will go to the Attorney General's office. We have provided in the amendment in paragraph (a), section 3, for the creation of an enforcement division in the Bureau of Prohibition in the Treasury Department in order to allocate the employees in that department over to the Attorney General's department as the two chiefs of the departments may agree. But that does not mean that all those who are engaged in prohibition work in the Treasury Department are going to the Attorney General's department.

Mr. WALSH of Massachusetts. How many are not going?

Mr. HEBERT. There will be a large number who are not going. I can not tell the Senator the exact number, but I have been told by the Attorney General's department that some 2,500 will be transferred from the Treasury Department to the Attorney General's department.

Mr. WALSH of Massachusetts. How many are there now in the entire department engaged in prohibition work?

Mr. HEBERT. I understand there are 5,000 or 6,000.

Mr. WALSH of Massachusetts. What will the other 3,000 do?

Mr. HEBERT. They will be engaged in the permit division.

Mr. WALSH of Massachusetts. In other words, it will require over 3,000 employees to issue permits and only 2,500 to detect violations of the law?

Mr. HEBERT. I have not any exact information on that, I will say to the Senator. I merely can say that I have been definitely informed that approximately 2,500 will be transferred.

Mr. WALSH of Massachusetts. The Senator's statement astounds me. He leads me to think we are now to have two bureaus with about an equal number of employees and an equal amount of work to do. I have the impression that the purpose of the administration was to transfer to the Attorney General's office the entire and complete administration of this law and the prosecutions under it, and that they were retaining in the Treasury Department simply the clerical work of issuing permits and, of course, investigating the applications to see if they were bona fide, and passing upon the merits generally of each application.

Mr. HEBERT. There are many other duties. For instance, there is the assessment and collection of taxes and all that work which comes under the law still to be done by the Treasury Department. All assessments of taxes will still remain in the Treasury Department.

Mr. WALSH of Massachusetts. They will not be under the commissioner of industrial alcohol?

Mr. HEBERT. They will be under the Treasury Department, nevertheless.

Mr. WALSH of Massachusetts. Yes; but the commissioner of industrial alcohol, as I understand it, will simply have the handling of the issuance of the permits for the manufacture, sale, and distribution of alcohol.

Mr. HEBERT. But that does not mean that the employees are all going to be under the commissioner of industrial alcohol. They have other functions to perform.

Mr. WALSH of Massachusetts. I wish we could get a little more information as to the extent of the number of employees that will be left in the Treasury Department and what their exact duties will be.

Mr. COUZENS. Mr. President, the amendment now before us seems to me to be a reasonable amendment to protect a department of the Government against violations of permits. It is inconceivable to me that the sort of thing should be in legislation as provided in section 7, on page 7:

The Attorney General may, if he considers it advisable, act jointly with the Secretary of the Treasury in passing upon any application for any permit or any renewal or amendment thereof.

In other words, the Attorney General is to act as a policeman over the head of the Secretary of the Treasury, in order to compel him to enforce the law. As everyone knows, I am no defender of the Secretary of the Treasury, but I do not believe that any Cabinet officer should be humiliated by having a policeman over his head all the time to say whether he may or may not issue an industrial alcohol permit.

I recognize the responsibilities of the Attorney General; I am in perfect agreement with the provision of the bill that when the Attorney General finds a permittee violating the law he should have the right to present the evidence to the Secretary of the Treasury prior to the granting of a renewal of the permit or when the question of the cancellation of a permit is under consideration; but it can not be denied that there is dual control in this instance. There will be the greatest orgy of "buck passing" we have ever seen if this bill shall be enacted in its present form. It will be possible to pass every legitimate applicant for an industrial alcohol permit from one department to another, and no one will be able to locate responsibility for delays.

There are thousands and thousands of legitimate users of industrial alcohol. When a man is doing a legitimate business there is no reason why he should be interfered with because somebody else is doing an illegitimate business. It is impossible to believe that a bureau once given such authority as is proposed here will not exercise it. No one who has been in Congress for any length of time believes that authority once granted to a bureau will not be exercised. When bureaucrats and heads of departments come to the Senate or to the House of Representatives and say, "Give us this authority, but we will not exercise it," in my judgment, it is the purest kind of "bunk." No sooner will this proposed act be passed, if it shall be passed in its present form, than every one of the 150,000 permittees will be drawn through the red tape and bureaucracy of both the Department of Justice and the Treasury Department.

Mr. COPELAND. That is true.

Mr. COUZENS. I can not conceive of Congress passing legislation which will subject citizens who are engaged in legitimate manufacturing industries to such a routine of red tape as is here provided. I, therefore, hope that the amendment proposed by the Senator from Maryland [Mr. TYDINGS] will be adopted.

Mr. HEBERT. Mr. President, may we have the amendment stated?

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 6, line 10, the Senator from Maryland proposes to strike out the words "Attorney General and the," and in line 11 to strike out the word "jointly," so that if so amended it will read:

SEC. 5. (a) The Secretary of the Treasury shall prescribe all regulations under this act and the national prohibition act relating to permits, etc.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Maryland [Mr. TYDINGS].

Mr. HEBERT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll. The legislative clerk called the roll, and the following Senators answered to their names:

|           |              |                |               |
|-----------|--------------|----------------|---------------|
| Ashurst   | Frazier      | McKellar       | Simmons       |
| Baird     | Gillett      | McMaster       | Steck         |
| Barkley   | Glass        | McNary         | Stelwer       |
| Bingham   | Glenn        | Metcalf        | Stephens      |
| Black     | Goldsborough | Norris         | Sullivan      |
| Blaire    | Greene       | Oddie          | Swanson       |
| Blease    | Hale         | Overman        | Thomas, Idaho |
| Borah     | Harris       | Patterson      | Townsend      |
| Bratton   | Hastings     | Phipps         | Trammell      |
| Broussard | Hawes        | Pine           | Tydings       |
| Capper    | Hayden       | Ransdell       | Walcott       |
| Caraway   | Hebert       | Reed           | Walsh, Mass.  |
| Copeland  | Howell       | Robinson, Ark. | Walsh, Mont.  |
| Couzens   | Johnson      | Robinson, Ind. | Waterman      |
| Cutting   | Jones        | Robson, Ky.    | Watson        |
| Dale      | Kendrick     | Schall         | Wheeler       |
| Deneen    | Keyes        | Sheppard       |               |
| Dill      | La Follette  | Shipstead      |               |
| Fess      | McCulloch    | Shortridge     |               |

The VICE PRESIDENT. Seventy-three Senators having answered to their names, a quorum is present. The question is on the amendment proposed by the Senator from Maryland [Mr. TYDINGS].

Mr. TYDINGS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DILL. Mr. President, I should like to ask the Senator from Rhode Island a question. As I understand, the pending amendment is to section 5. I inquire who is to issue permits to use industrial alcohol?

Mr. HEBERT. The Secretary of the Treasury will issue such permits.

Mr. DILL. Do I understand from the language of the bill as now written that every permit must be approved by the Attorney General?

Mr. HEBERT. Yes; that is the language of the bill.

Mr. DILL. It reads that "the Attorney General and the Secretary of the Treasury shall jointly prescribe all regulations," and my understanding is that in practical operation it means that the permits must be approved by the Attorney General before they shall be actually issued.

Mr. HEBERT. That will depend upon the regulations. If the Senator will refer to section 7, on page 7, he will find reference to that point.

Mr. DILL. Yes. That is the part of the bill in which I am most interested.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Maryland, on which the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BRATTON (when his name was called). I have a pair with the junior Senator from Maryland [Mr. GOULD], who is necessarily absent. I am informed that, if present, he would vote as I intend to vote. Therefore I am at liberty to vote and vote "nay."

Mr. FRAZIER (when Mr. NYE's name was called). My colleague [Mr. NYE] is absent on official business of the Senate. If he were present, he would vote "nay."

Mr. WATSON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH]. In his absence I transfer that pair to the Senator from Maine [Mr. GOULD] and vote "nay."

The roll call was concluded.

Mr. BLEASE. I have a pair with the senior Senator from West Virginia [Mr. GOFF]. Not knowing how he would vote if present, I withhold my vote.

Mr. PATTERSON (after having voted in the negative). I transfer my pair with the Senator from New York [Mr. WAGNER] to the Senator from North Dakota [Mr. NYE] and let my vote stand.

Mr. FESS. I wish to announce the following general pairs:



The Senator from Pennsylvania [Mr. GRUNDY] with the Senator from Florida [Mr. FLETCHER];

The Senator from New Hampshire [Mr. MOSES] with the Senator from Utah [Mr. KING];

The Senator from New Jersey [Mr. KEAN] with the Senator from Alabama [Mr. HEFLIN]; and

The Senator from Kansas [Mr. ALLEN] with the Senator from Mississippi [Mr. HARRISON].

I am not advised how any of the Senators mentioned, if present, would vote on this question.

Mr. SHEPPARD. I wish to announce that the Senator from Tennessee [Mr. BROCK], the Senator from Texas [Mr. CONNALLY], the Senator from Mississippi [Mr. HARRISON], the Senator from Oklahoma [Mr. THOMAS], the Senator from Georgia [Mr. GEORGE], and the Senator from New York [Mr. WAGNER] are necessarily detained on official business.

The result was announced—yeas 11, nays 61, as follows:

## YEAS—11

|           |         |             |              |
|-----------|---------|-------------|--------------|
| Blaine    | Couzens | La Follette | Walsh, Mass. |
| Broussard | Hawes   | Shipstead   | Wheeler      |
| Copeland  | Keyes   | Tydings     |              |

## NAYS—61

|         |             |                |               |
|---------|-------------|----------------|---------------|
| Ashurst | Glass       | McNary         | Simmons       |
| Baldr   | Glenn       | Metcalf        | Steck         |
| Barkley | Goldsbrough | Norris         | Steiner       |
| Bingham | Greene      | Oddie          | Stephens      |
| Black   | Hale        | Overman        | Sullivan      |
| Borah   | Harris      | Patterson      | Swanson       |
| Bratton | Hastings    | Phipps         | Thomas, Idaho |
| Capper  | Hayden      | Pine           | Townsend      |
| Caraway | Hebert      | Ransdell       | Trammell      |
| Cutting | Howell      | Reed           | Walcott       |
| Dale    | Johnson     | Robinson, Ark. | Walsh, Mont.  |
| Deneen  | Jones       | Robinson, Ind. | Waterman      |
| Dill    | Kendrick    | Robison, Ky.   | Watson        |
| Fess    | McCulloch   | Schall         |               |
| Frazier | McKellar    | Sheppard       |               |
| Gillett | McMaster    | Shortridge     |               |

## NOT VOTING—24

|           |          |         |               |
|-----------|----------|---------|---------------|
| Allen     | George   | Hefflin | Pittman       |
| Blease    | Goff     | Kean    | Smith         |
| Brock     | Gould    | King    | Smoot         |
| Brookhart | Grundy   | Moses   | Thomas, Okla. |
| Connally  | Harrison | Norbeck | Vandenberg    |
| Fletcher  | Hatfield | Nye     | Wagner        |

So Mr. TYDINGS's amendment was rejected.

Mr. TYDINGS. Mr. President, it is needless to offer any more of these amendments in view of the present temper of the Senate. It seems disposed to vote to sustain the committee in all cases.

However, there is one amendment that I should like to offer, and I shall submit it without debate. At the conclusion of the action upon that amendment I have another one dealing with poisoned alcohol; and I am very anxious to have Senators know that this amendment is coming up, so that as many as possible can state their views upon it. I therefore make that announcement at this time.

The other amendment which I should like to offer now is as follows:

On page 7, line 19, in section 7, strike out the words: "The Attorney General may, if he considers it advisable, act jointly with the Secretary of the Treasury in passing upon any application for any permit or any renewal or amendment thereof, which may be issued under the national prohibition act, and in such cases no permit shall be granted, renewed, or amended without their joint approval."

I wish to insert, in lieu of that provision, this one:

Upon the receipt by the Attorney General of the copy of any application for permit as provided in paragraph (b) of section 6 the Attorney General, if he or the Bureau of Prohibition in the Department of Justice shall be in possession of information of such character that such application should be withheld, shall forthwith upon the receipt of such copy transmit notice to the Secretary of the Treasury of his possession of such information, and in such case no permit shall be granted, renewed, or amended without the Attorney General or his designate having an opportunity to appear before the bureau of industrial alcohol (hereinafter provided for) in the Department of the Treasury to protest the issuance of such permit.

In the event that the Secretary of the Treasury does not receive forthwith from the Attorney General such information, the Secretary of the Treasury shall proceed with respect to such application in the usual and ordinary manner provided by the act and the regulations thereunder.

If at any time after the issuance of a permit the Attorney General or the Bureau of Prohibition in the Department of Justice shall have information that any permittee is violating the prohibition act or the condition of his permit, notice of this information shall be transmitted to the Secretary of the Treasury or to the commissioner of industrial alcohol in the Treasury Department and revocation proceedings shall be commenced. The director of prohibition in the Department of Justice

may designate the officer or officers who may appear in the bureau of industrial alcohol of the Treasury Department in such revocation proceedings.

All that this amendment does is to eliminate from the bill the provision which makes joint action on the part of the Attorney General and the Secretary of the Treasury mandatory, and to insert in lieu thereof that the Secretary of the Treasury shall have absolute authority, provided, however, that he shall first notify the Attorney General to see if the Attorney General has any reason why the permit should not be granted.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Maryland.

Mr. HEBERT. Mr. President, to begin with, joint action is not mandatory under the bill. It is permissive. Moreover, the arrangement suggested by the amendment of the Senator—

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. HEBERT. Yes; I yield.

Mr. TYDINGS. The Senator, as I understood, said that joint approval was not necessary; did he not?

Mr. HEBERT. I said joint action is not necessary.

Mr. TYDINGS. Here is what it says:

Which may be issued under the national prohibition act, and in such cases no permit shall be granted, renewed, or amended without their joint approval.

Mr. HEBERT. Mr. President, the Senator does not read the language to which I referred. It begins in section 7; and for his information and the information of the Senate I shall read it now:

The Attorney General may, if he considers it advisable, act jointly with the Secretary of the Treasury in passing upon any application for any permit.

Mr. TYDINGS. Keep on reading.

Mr. HEBERT. That is the language to which I refer.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Maryland. [Putting the question.] By the sound the noes seem to have it.

Mr. TYDINGS. I call for a division.

On a division, the amendment was rejected.

Mr. COPELAND. Mr. President, if I may have the attention of the Senator from North Carolina [Mr. OVERMAN] and the Senator from Rhode Island [Mr. HEBERT], I should like to be reassured.

As I understand, it is contended by these Senators in charge of the bill that there will be left in the Treasury Department a bureau having to do with industrial alcohol. That is right; is it not?

Mr. HEBERT. Yes; the bill provides for that.

Mr. COPELAND. And the official heretofore known as the Commissioner of Prohibition will hereafter be known as the commissioner of industrial alcohol?

Mr. HEBERT. In the Treasury Department.

Mr. COPELAND. In the Treasury Department; that is correct. Then, if I understand the Senators correctly, as heretofore, a citizen who desires to withdraw industrial alcohol will make his application to the commissioner of industrial alcohol in the Treasury Department, and the permit will be issued there. Is that correct?

Mr. OVERMAN. Yes.

Mr. COPELAND. Now, let me ask this question: Why not make that clear in the bill? The Senators have said that that is the purpose and intent of the bill. Why not write that into the bill? Why not have section 8 on page 8, if the Senators will take the bill, read in this way?—

The Bureau of Prohibition in the Treasury Department shall hereafter be known as the bureau of industrial alcohol, and the Commissioner of Prohibition in the Treasury Department shall hereafter have the title of commissioner of industrial alcohol.

Now, I go on:

All the duties of the Treasury Department relating to permits for the withdrawal of industrial alcohol heretofore exercised by the Treasury Department shall be performed by this official under the direction of the Secretary of the Treasury. Any and all such permits shall be open to inspection by the Attorney General.

This makes clear in the bill exactly what the Senators have said upon the floor is the purpose of the bill—that these permits for the withdrawal of industrial alcohol are to be issued by an official of the Treasury Department; but let us put in the bill the language which will indicate that that is the purpose of the law.

Then, in order that the other purposes of the bill, the enforcement of prohibition, may be carried out, let those permits be

open to the inspection of the Attorney General. If he has any reason to believe that there is an illicit withdrawal of alcohol and a diversion of alcohol into bootleg channels, he has access to the records. He can go and inspect for himself, through his subordinates, to find out if a permit has been issued to some person under the suspicion of the Department of Justice.

Why is not that fair? From my standpoint, it would relieve me of considerable distress as regards legitimate users of industrial alcohol in my State. As I indicated in my remarks a little while ago by the reading of a letter from one of my constituents, they are much upset about the espionage and the disgrace of being under the Department of Justice. Senators have said that that is not the intent of the framers of the bill.

Mr. OVERMAN. It is not. There is nothing of that kind in the bill.

Mr. COPELAND. All right.

Mr. OVERMAN. Why change it, when we have expressed to the Senator just what it means? Why complicate it and change it and amend it, after we have told him exactly what the bill means, as the Senate has really voted that it means?

Mr. COPELAND. I hope my charming friend from North Carolina will be spared to us for many, many years in order that he may testify to the intent of the framers of the bill. But unfortunately with the passage of time men go off the stage.

Write it into the law, make it clear in the law, that it is the intent, that it is the law, that the commissioner of industrial alcohol shall carry on all the duties heretofore performed by the Treasury; that this new commissioner shall issue these permits; and that any and all such permits shall be open to inspection by the Attorney General. Is there anything at all unreasonable in that proposal?

Mr. HEBERT. Does the Senator ask me that question?

Mr. COPELAND. I ask the Senator from Rhode Island.

Mr. HEBERT. Of course, it is not the purpose of the law to provide dual control of permits. It is the purpose of the law to fix the responsibility upon some department for its enforcement. The Attorney General, being charged with the duty of enforcement, or being about to be charged with the duty of enforcement, asks that he may have this control over permits, believing it to be essential to the proper enforcement of the prohibition law.

Mr. COPELAND. Then, as a matter of fact, it is the Attorney General who is going to have charge of these permits, and there is a change from the present status.

Mr. HEBERT. No. When the Senator speaks of the purpose of the bill, he mistakes that with the intent of those who are charged with the enforcement of the law.

I have repeatedly assured the Senator that I myself had the assurance that the Attorney General would not interfere with these permits, and that out of 155,000 of them probably not as many as 5,000 would be brought into question at all, and that there would be no delay in the issuance of permits to those 150,000 applicants.

Mr. COPELAND. That is very gratifying, and I am happy that that is the attitude of the Senator and others in charge of the bill. But men go; laws continue. Who knows what may be the future interpretation?

Let us write into the law now that this Commissioner of Prohibition in the Treasury Department, hereafter known as the commissioner of industrial alcohol, shall be the official designated by the law to issue these permits, and that in order that the Attorney General may be protected in those 5,000 cases out of 155,000 let the Attorney General by law have the right of access to those permits. Then he will have everything he can desire, and at the same time the legitimate users of industrial alcohol will know by reading the law that there is to be no change from the present system of issuing the permit. I beg the Senator to accept that language.

Mr. HEBERT. Mr. President, if I felt in any way apprehensive about what is going to be the attitude of the Attorney General or of the Secretary of the Treasury in reference to these permits, as I have made it known to the Senator here in this discussion, I would not hesitate to provide a safeguard, but I confess that I see no reason for apprehension. The committee has had the assurance of the Attorney General's department that that would not happen; but the Attorney General, being charged with the responsibility of enforcing this law, does feel that there ought to be some way in which he can control the issuance of the permits if occasion should require, and it is not possible to limit him in any way lest there be a falling down of enforcement generally.

Mr. COPELAND. Mr. President, let me say this to the Senator: One of two things must be true, either that these permits are going to be issued exactly as they have been by the Treasury Department or they are not. The Senator a little while ago, and repeatedly this afternoon, has said they are going to

be issued exactly as they have been issued in the past; and now the Senator says no, that the Attorney General is going to have his finger in the pie and have something to do with the issuance of the permits.

Mr. HEBERT. Mr. President, the Senator misunderstood me if he understood me to say any such thing. I said that the Attorney General felt that he ought to have some control over the issuance of the permits. That is very different from what the Attorney General intends to do in actual issuance of the permits. I again repeat what I have already said several times to the Senator, that the Attorney General and the Secretary of the Treasury intend to issue regulations for the issuance of the permits. I have the assurance that there will be no change in perhaps as many as 150,000 out of 155,000 of the permits.

Mr. COPELAND. Then up to this point we are fully agreed that all the duties of the Treasury Department relating to permits for the withdrawal of industrial alcohol heretofore exercised by the Treasury Department will be performed by the Treasury in the future as in the past. That is correct up to that point, is it not?

Mr. HEBERT. I did not hear all the Senator said; I was interrupted.

Mr. COPELAND. I will repeat it, because I want the RECORD to show it. I have the assurance of the Senator, apparently, that in the future, as in the past, all the permits for the withdrawal of industrial alcohol will be in the hands of the commissioner of industrial alcohol in the Treasury Department. It will be in the Treasury Department in the future exactly as it has been in the past?

Mr. HEBERT. I have not said that. I have said that the permits would issue out of the Treasury Department. I do not know that the permits will be issued by the commissioner of industrial alcohol. They will be issued out of the Treasury Department.

Mr. COPELAND. In that respect, then, there will be no change?

Mr. HEBERT. That is as I understand it, and that is the assurance I have, that there will be no change, that they will be issued out of the Treasury Department just as they have been heretofore, except that there will be joint regulations prescribed by the Attorney General and the Secretary of the Treasury.

Mr. COPELAND. Is the Senator unwilling to have clarification by any modification of section 8?

Mr. HEBERT. Mr. President, I do not feel at liberty to agree upon any additional language there. I think the purpose of the bill is clearly set out, and we in the committee have felt that we ought to so frame this bill as to meet the demands of the Attorney General, because he is to be charged with the enforcement of the law, and we want to fix the responsibility upon that department, so that later on it may not be said that the responsibility is divided with reference to the enforcement of prohibition.

Mr. COPELAND. Then, if I now understand the Senator, it means that in the last analysis after all the Attorney General is the man who will determine how and to whom the permits are to be issued.

Mr. HEBERT. Again, Mr. President, the Senator misunderstands me if he understands me to say what he has just stated. I say that the enforcement of prohibition is to be in the hands of the Attorney General.

SEVERAL SENATORS. Vote! Vote!

Mr. COPELAND. Mr. President, some who are already settled in their convictions as to what this law shall be may vote when we get to the point of voting, but they are not going to disturb me at all by calling "Vote! Vote!" ahead of the proper time to have a vote. Let that be understood.

It is perfectly apparent that this bill is predestined and fore-ordained to pass and that not a change is to be made in it, though, exactly as I said a little while ago, the Senate has lost its sense of proportion that because a group representing a certain social thought so dominates the country that when a bill is presented it must be passed exactly as it is given to the Senate. Why should we not, taking into consideration our desire to serve American business as well as American fanatics, turn aside long enough to clarify, by simple language, the wording of the bill so as to make it read exactly as its sponsors say its authors intend it to mean? It is not so difficult to find language to formulate thought, but gentlemen seek all the time to find language to hide the real intent.

I know that if this bill is not modified and clarified in some way, every honest user of industrial alcohol in this country is going to be embarrassed in the future. The Senator from Rhode Island says that out of 155,000 users of industrial alcohol, 150,000 are honest and above suspicion. Yet because there are



5,000 crooks in the country engaged in the withdrawal of industrial alcohol, 150,000 honest men must be put on the rack. That does not seem like good sense to me. That to me is the height of absurdity, and the bill is filled with absurd ideas. Think of writing into a law the language found on page 3, line 10:

That all officers and employees of the Bureau of Prohibition who the Attorney General finds have heretofore violated or shall hereafter violate any penal provisions of the Federal prohibition laws shall be dismissed.

Has it come to the point that we have to write into a law that when a man violates the law he shall be dismissed from office? It is perfectly absurd and ridiculous. We only make ourselves laughing stock; that is all.

Mr. President, like old Sisyphus trying to roll the stone to the top of the mountain, to attempt to modify the bill is a useless undertaking. It can not be done. We might just as well sit down and accept what is turned out to us in capsules, given to us, and we are told to take. If we do not take it, our noses are held and we are forced to take it. Here is a proposed law absurd on its face, not clear in its provisions, imposing unjust and indecent restrictions upon legitimate business men, and yet because we have been told that we must swallow it and take it as it is, we do so.

So far as I am concerned, I have said all I am going to say about the subject; but to me it is passing strange that men who are willing to read into the law a definite meaning should be unwilling to write that meaning into the law so that all who read in the future may know exactly what the law means.

Mr. TYDINGS. Mr. President, I have an amendment which I ask to have read from the desk, after which I would like to address myself to it.

The VICE PRESIDENT. The clerk will read.

The LEGISLATIVE CLERK. On page 8, after line 24, the Senator from Maryland proposes to insert the following new section:

SEC. 10. (a) For the purposes of section 1 of the act entitled "An act for the withdrawal from bond, tax free, of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials," approved June 7, 1906, as amended, and of sections 10 and 11 of title 3 of the national prohibition act of October 28, 1919, as amended, the terms "denaturing material" and "denaturing materials," as used in such sections in such acts, shall mean only pyridine, malachite green, or diethylphthalate.

(b) The first paragraph of section 1 of such act approved June 7, 1906, as amended, is amended by striking out the words "methyl alcohol or other."

Mr. TYDINGS. Mr. President, I am perfectly willing to concede that there are many, many people in the United States who feel that national prohibition is not only a necessary thing but that it is working fairly satisfactorily. It is not my purpose to make the discussion of this amendment controversial in so far as whether one may be considered as in favor of or opposed to national prohibition. I rather hope to elicit the attention of the Senate upon higher grounds than the wet-and-dry question.

What my amendment seeks to do may be briefly stated in simple language as follows: It seeks to strike out of the governmental formula by which industrial alcohol must be manufactured those ingredients which poison the alcohol so that if it is drunk the drinker will die, and to substitute in its place several other chemical compounds which will make the alcohol nauseating, will make the person who drinks it perhaps temporarily sick, but which will not take his life. That is all I am seeking to do by the amendment, not to make the industrial alcohol so it will be palatable or potable, but to take from industrial alcohol its qualities of poison to the end that those who may drink it illegally will not die, but may be simply temporarily ill.

I am told by chemists that the formula which I have proposed will make the alcohol undrinkable; in other words, that the taste of it and the immediate effect of it will be so bad that even a drunkard would not want to swallow it. Of course, there may be exceptions to the rule. At any rate, it will not kill the person who imbibes it.

Senators, very frequently we hear, in our public schools and in our colleges in the discussion of ancient, medieval, and modern history, numerous incidents cited to show the barbarous natures of other times. For example, there was a time, as we all recall, when those who did not believe certain religious beliefs, which were the prescribed beliefs of the day, were thrown to the lions in the arena. A person who wanted to be a Christian because of his mental attitude was thrown to the lions, and devoured simply because he chose to believe in a particular religious ceremony or conception. We think to-day as we look

back upon those years that the people of those days must have been very ignorant and very barbarous.

We come along to the time of Lucretia Borgia. We know that she assassinated, through the intermediary of poison, those who stood in her political path or the political path of her celebrated brother.

So we might come on down to the days of the Spanish Inquisition, and down through the dark Middle Ages when literature was looked upon as a vice, when writing almost perished, and when learning was something to be despised rather than espoused.

We come on down to the present day, 1930, and what do we find? We find that in the United States of America we have an attempt to enforce a law called national prohibition, and so intent are we upon the enforcement of that law that we want persons who violate it to die. That is all there is to it, because the formula in the law provides a poison which, when inserted into industrial alcohol, will kill the person who drinks it.

Many, many people throughout the United States have died as a result of drinking illicit liquor. I am not here to say that they should not be punished for violating the law. I am not here to uphold them in their violations of the law. But I am here to appeal to the Senate on high grounds that they are entitled to their constitutional privileges even if they are violators of the law. They are entitled to be arrested; they are entitled to be confronted with the witnesses who appear against them; they are entitled to a jury trial and not to be deemed guilty until they are proven guilty. But instead of that we provide, through the intermediary of this poison formula, instant or certainly eventual death to the violator of the law.

If we were to run through the list of penalties for most violations of Federal laws we would find that 5 or 10 years' imprisonment or a heavy fine apply only in the case of very serious offenses. But a man may drink only 1 pint of illicit alcohol made from industrial alcohol illegally diverted and suffer the penalty of death. I can not believe that the Senate, if the opportunity is given to eliminate this provision, will do otherwise than strike it out. I have not proposed to leave the alcohol potable. I have not proposed to leave it flavorable. I have proposed to place in it a chemical compound which chemists say will make it nauseating to him who drinks it and perhaps bring about a mild degree of temporary sickness.

Whether that is true or whether it is not true, if nothing at all could be done with this alcohol except either to leave it pure or to poison it, I would still be in favor of eliminating the poison. As long as this formula remains in the present law all industrial alcohol that goes out, no matter what its use may be, will go out in the poisoned form. We all know that the bootlegger obtains this alcohol and may seek to eliminate the poisons therein by what I understand is called "cooking" them out. I do not know whether that can be done or not, but I am advised that quite often men who are greedy for money do not have the alcohol analyzed, but sell it for pure alcohol, and that, particularly around Christmas time and other holiday seasons and festive days, when the people are inclined to imbibe a little, a great deal of it gets on the market.

I remember reading that in Oklahoma the other day, in the State of the Senator who sits next to me [Mr. THOMAS of Oklahoma], some three or four hundred people were temporarily paralyzed through drinking some poisoned Jamaica ginger. I know all of us were horrified at that happening. It was not that we sympathized with them for attempting to violate the law, but we do not like to see people paralyzed or poisoned promiscuously.

There was a case two or three years ago where a great deal of poisoned alcohol came on the market in New York City. I am only speaking from memory, but it is my recollection that upward of 50 people died of alcohol poisoning in Christmas week up there, and many others were sent to the hospital in a serious condition, some of whom died and, of course, some of whom recovered.

Mr. President, that is all there is in the amendment. The question is, Does the Senate wish the death penalty to be conveyed to the person who drinks industrial alcohol, or does the Senate want to prevent the use of that alcohol for beverage purposes by some more mild, humane means than at present contained in the law? Those who favor no change in the law say in effect, "I want every person who illegally drinks industrial alcohol to die." Those of us who will vote for the modification will say, "We do not want illicit alcohol to be potable or pleasant or tempting; we wish to make it as bad a beverage as we possibly can; but by means of this amendment we want to eliminate the severe effect of the destruction of human life."

Mr. President, I may say without reflection upon any particular Senator or group of Senators, I have little fear that many Senators who are sincere will feel that they can not support my amendment, because it is well known that I am not in favor of national prohibition. The very fact that the amendment bears my name may arouse some suspicion in their minds that I have some ulterior motive; that I am seeking to weaken the national prohibition enforcement law. May I say with all the honesty of which I am capable that if I have such an idea as that, I am not aware of it.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER (Mr. JONES in the chair). Does the Senator from Maryland yield to the Senator from Nebraska?

Mr. TYDINGS. I yield.

Mr. NORRIS. I would like to say to the Senator that while I was called out of the Chamber and have not been able to hear all of his statement, yet on the particular point he now makes I am satisfied that I am one of the Senators who does not share the prejudice which the Senator says some Senators may have. I do not know that any of them have it; I do not think we ought to have it.

I concede that the amendment is offered in good faith. I think there is something in its purpose. My objection to being called upon to vote on it now is because I do not feel prepared to do it. I would like to accomplish something of the kind the Senator has in mind. It is something which was not considered by our committee at all. The measure before us involves only the transfer of prohibition enforcement.

As I understand it, it is rather a scientific question that is involved in the Senator's amendment, and before I vote on it I would like to have the benefit of the advice of chemists and other scientists who know something about the subject, which I confess I do not. That is the reason why I feel disposed to be against the Senator's amendment. I might be for it if I were armed with the information which it seems to me we ought to have before we can vote on it intelligently.

Mr. TYDINGS. Mr. President, I appreciate what the Senator from Nebraska has said. May I say that I would be glad to recommit the bill for that one purpose, in order that evidence might be taken upon the question involved. May I say to the Senator that if what I contend for is true, that people who illicitly drink this alcohol now made in accordance with the governmental formula meet death, the bill ought to be re-committed and that matter ought to be considered. There is no more important legislation which will come before this body.

Sensors, have we become so rigid in the enforcement of this single law that a human life means nothing, provided the owner of that life has violated the prohibition law, perhaps but mildly? Here in the Senate of the United States, supposed to be the court of last resort for the enactment of legislation, we must take our stand on the question of whether or not we say to the people in effect, "If you violate the prohibition laws of this country, we want you to have the death penalty for that violation." There is no escape from it.

No one will contend that industrial alcohol made in accordance with the governmental formula now in the law will not kill. That in itself is enough to enlist the humanitarian consideration of every Member of this body, whether he be "wet" or "dry" or midway between the two. This is not a question of prohibition; it is a question of imposing the death penalty on a man who commits no greater crime than violating the prohibition law.

Mr. OVERMAN. Mr. President, I agree with the Senator—

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from North Carolina?

Mr. TYDINGS. I yield.

Mr. OVERMAN. I agree with the Senator in some respects, and I should like to vote for such a proposition as he suggests in the form of a bill, but it has not any place on the pending bill. This is a bill proposing to transfer the enforcement of the prohibition law from the jurisdiction of one department to that of another, and I do not see that what the Senator seeks to accomplish is involved in the pending measure. If the Senator from Maryland will introduce a separate bill, I should like to go into the question and investigate it; and if such a bill would accomplish what the Senator suggests, I think everybody would vote for it.

Mr. TYDINGS. I shall be very glad to introduce a separate bill on the subject, and to do anything to get the suggestion before the Senate in a different way; but, Senators, we have got to be bound by the practical side of this equation. I know that if such a bill were introduced it would be very doubtful if between now and the convening of the next Congress there would be sufficient time, with all the parliamentary checks

which may be interposed, to have such a measure reported. If we can not get such a measure reported in due course, I think all of us are to-day bound to try to change this very serious condition by adopting an amendment to a bill which, in some measure, does provide for prohibition enforcement.

I should like to have the pending bill go over for a few days under a unanimous-consent agreement in order that testimony might be taken to substantiate the statements which I have made. I should be very glad if the Senator in charge of the bill would arise and ask that it be allowed to retain its place, to be taken up again next Monday, perhaps, at 1 o'clock, so that in the meantime it could be ascertained whether the formula, which is now being used for the denaturing of industrial alcohol, does or does not render such alcohol poisonous.

Mr. BARKLEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Kentucky?

Mr. TYDINGS. I yield.

Mr. BARKLEY. Mr. President, I have been engaged in a conference and have not heard the entire statement of the Senator from Maryland with reference to his amendment; but, aside from the merits of what he may have said, I desire to ask the Senator does he think that the prescription of a formula for the denaturing of alcohol is a legislative matter? Is it one upon which Congress is qualified to act?

Mr. TYDINGS. We have already done so, and I am merely seeking to amend the law which Congress has already enacted prescribing the formula.

Mr. BARKLEY. Does the act of Congress provide the limitations of the formula for the denaturing of alcohol?

Mr. TYDINGS. The act of Congress provides that in the manufacture of alcohol for certain purposes this denaturing formula shall be used, and it is embodied in the act.

Mr. BARKLEY. Has there been action under any regulation changing that formula after alcohol was denatured under a certain process and it was found that it could be redistilled into a different quality? Upon the discovery of that fact under some regulation was there provided a different formula which has brought about the condition to which the Senator refers? In other words, is the formula to which he refers as having been enacted by Congress so rigid and inflexible that the department has followed it precisely or has it been able to modify it by regulation?

Mr. OVERMAN. I do not think any formula has been prescribed by Congress. It is a regulation of the department.

Mr. TYDINGS. I will say to the Senator if he will read my amendment he will find I am proposing to amend the existing law by striking out the words "methyl alcohol or other." Methyl alcohol will kill one who drinks it. There is a physician in the Chamber, and I think he can bear testimony to the fact that methyl alcohol is deadly and will kill anybody who drinks it. I can not conceive that the Senate of the United States wants to contend that the death penalty shall be imposed on a man who violates the prohibition law without arrest, without trial, without having been confronted with the witnesses against him, without having had his day in court.

Mr. BARKLEY. Mr. President, will the Senator yield at that point?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Kentucky?

Mr. TYDINGS. I will yield in a moment. A comparable situation would be this: The law provides that in the District of Columbia the speed limit shall be such a rate; that is provided by national law. If then there should be contrived some kind of a mechanical apparatus which, when a man sped at the rate of 50 miles per hour, the law permitting him to go only 30 miles per hour, would automatically explode and blow his head off, we should have an equivalent situation. Now I yield to the Senator from Kentucky.

Mr. BARKLEY. Mr. President, if I understand the formula referred to by the Senator from Maryland, it is a formula for the denaturing of alcohol used for industrial purposes?

Mr. TYDINGS. That is correct.

Mr. BARKLEY. And not as a beverage?

Mr. TYDINGS. That is true.

Mr. BARKLEY. I imagine that the larger quantity of alcohol which is consumed as a beverage is not manufactured under any Government formula, but that it is manufactured illegally under some private formula which may be used by those who engage in the illicit manufacture of liquor.

Mr. TYDINGS. If the Senator will let me interrupt him there, in testifying before the committee, Commissioner Doran said that from five to fifteen million gallons of industrial alcohol were illegally diverted annually for beverage purposes. That is a sufficient quantity to make 30,000,000 gallons of liquor.



That is a pretty considerable quantity to be consumed by the American people.

Mr. BARKLEY. I should like to ask the Senator whether the formula provided in the act for the making of industrial alcohol is a proper and suitable formula for the production of alcohol for that purpose?

Mr. TYDINGS. It is.

Mr. BARKLEY. So, what the Senator is undertaking to do is to change the formula so that the alcohol will also be suitable for beverage purposes in addition to its suitability for the industrial purposes for which it is now used?

Mr. TYDINGS. I am sorry the Senator said that, for it is not true.

Mr. BARKLEY. I did not express my own meaning very well. I do not attribute to the Senator any ulterior motive. I am saying that the effect would be to make the alcohol potable.

Mr. TYDINGS. That is not true. I have provided in the amendment that other ingredients may be used which I understand—and I say this advisedly—were suggested by the American Medical Society, which, of course, is composed of physicians of the country. The other materials which the amendment would permit to be used would make the alcohol nauseating to anyone who would drink it, so that liquor containing such ingredients would not stay on the stomach and would make the imbibitor temporarily ill, but it would not kill him. The amendment provides:

The terms "denaturing material" and "denaturing materials," as used in such sections in such acts, shall mean only pyridine, malachite green, or diethylphthalate.

Those ingredients may be placed in the alcohol in order to make it taste bad, to make it nauseating, to cause temporary illness, but not to cause death.

The only reason I suggest these ingredients is that I realize the Senate probably would not strike out all of the denaturing provisions unless something else were provided, and I have provided for all of the ingredients which the American Medical Society says can be used to make alcohol taste bad, to make it undesirable, without visiting upon one who might use it illegally for beverage purpose the extreme penalty of death.

Mr. BARKLEY. But the thing that concerns me is the broad question of whether, after all, in spite of anything that may have been done heretofore, Congress is really qualified to prescribe a proper formula for the manufacture of industrial alcohol. We all know that that is a chemical scientific subject upon which most of us are ignorant; I confess my ignorance as to any sort of proper formula for the manufacture of any kind of liquor, or any other chemical, so far as that goes. I am wondering whether, admitting for the sake of the argument what the Senator says about the death-producing quality of the alcohol manufactured under the formula now provided, whether it is not, after all, a matter that ought to be left to those who have expert knowledge on the subject rather than for Congress to prescribe a formula.

Mr. TYDINGS. I do not propose that Congress shall prescribe any formula, may I say to the Senator, but I do exactly what he suggests; the amendment proposed by me simply provides that—

The terms "denaturing material" and "denaturing materials" as used in such sections and in such acts, shall mean only pyridine, malachite green, or diethylphthalate.

And further that the words "methyl alcohol or other" poisons shall be eliminated from the provisions of the act which is now in existence.

It may be that, after a hearing, perhaps there might be some modification of the language I have employed and of the act which would then be promulgated; but may I say to the Senator that it is much better to make sure of eliminating this poisonous formula in connection with the manufacture of the alcohol than it is to leave it to conjecture. That is what I am attempting to do, and so I seek to strike out the words "methyl alcohol or other."

Methyl alcohol is alcohol which has been rendered poisonous, and it will kill anybody who drinks any considerable quantity of it. In the meantime the victim may go blind. We do not want the Senate of the United States or the Congress of the United States to be responsible for such conditions. There are plenty of ways we can prevent the sale and use of industrial alcohol illegally to illicit concerns or for unlawful uses without providing that the death penalty shall be inflicted in case of such unlawful use.

Mr. BARKLEY. Is the condition with reference to methyl alcohol one that has been brought about since the adoption of prohibition or did it exist prior to that time? Methyl alcohol

has always been methyl alcohol, and its quality has not been changed, as I understand, by the adoption of the prohibition law.

Mr. TYDINGS. There was comparatively little industrial alcohol manufactured until the war came along, when alcohol was used for a great many purposes. In 1920 the demand for it for legitimate purposes increased tremendously. The act was first passed on June 7, 1906, at which time all industrial alcohol had to be made with methyl alcohol in it. There was no need to change that act, because there was plenty of other alcohol available prior to 1920; but since 1920 the deaths from alcohol poisoning have increased each year, and therefore the time has now come when we are confronted with a situation which did not exist in 1906 when the act was originally passed.

Mr. BARKLEY. I have understood that there have always been certain types of alcohol which were poisonous; long before either of us was ever elected to Congress or before we probably had conceived the ambition to come here, there was poisonous alcohol which would kill a man if he drank it in any large quantities. Is the Senator able to tell us whether alcohol manufactured for industrial purposes under the changed formula he proposes would serve the purposes of industry as well as methyl alcohol, which the Senator is now undertaking to eliminate so as not to make the product poisonous?

Mr. TYDINGS. Yes; I think so.

Mr. BARKLEY. In other words, does the Senator's amendment seek to protect everybody who may consume poisonous alcohol from the effects of the poison?

Mr. TYDINGS. Yes.

Mr. BARKLEY. No matter what the conditions may be under which he may consume it? So that hereafter—

Mr. TYDINGS. Let me answer the Senator's question.

Mr. BARKLEY. So that hereafter there will be no more poisonous alcohol manufactured?

Mr. TYDINGS. The Senator has asked two or three questions, and if he will permit me I will try to answer him. In the first place, there is no need of using methyl alcohol except to keep industrial alcohol from going into illicit channels. Originally an alcohol was manufactured that could be used for beverage purposes. Therefore the purpose of putting methyl alcohol into industrial alcohol was to render it noncompetitive with other alcohols which were used for beverage purposes. The elimination of the formula now in existence and the substitution of the formula proposed by my amendment, I am advised, will not interfere with any legitimate business. It will not make any difference. The poisonous ingredient was simply put in the alcohol originally to make it nonpotable. Therefore all that will be done will be to render it very unpalatable and unpleasant to one who may happen to drink it, but it will not kill him. I repeat, all I am attempting to do by this amendment is to prevent the use of a formula which will cause death to him who drinks alcohol which has been thus treated with the poisonous ingredient.

Mr. BARKLEY. So that hereafter there will be no poisonous alcohol in existence if the Senator's amendment should be adopted?

Mr. TYDINGS. Yes; there would be. All alcohol, whether it is treated or not, is poisonous if drunk to excess. A man may drink perfectly good whisky, but if he drinks a sufficient quantity of it he will get alcohol poisoning, just as he may get ptomaine poisoning from spoiled food. The point is that the alcohol now manufactured under law and Government regulation is poisonous regardless of how much of it may be consumed. What I have attempted to do, I will say again, is to eliminate that condition and substitute language which will insure that the alcohol will not be potable, that it will not be enjoyable, that it will not be desirable as a beverage, but it will not be rendered so poisonous that it will kill a man who may illegally drink it.

Mr. BARKLEY. It will increase illness, though.

Mr. TRAMMELL. Mr. President—

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Florida?

Mr. TYDINGS. I yield.

Mr. TRAMMELL. Mr. President, I am rather in sympathy with the idea that we should eliminate poisons that would take the life of a human being and substitute these other preparations which the Senator says would nauseate them, make them very sick, and so forth, but would spare their lives. I have been rather struck, however, with the situation with regard to why it was that poison was so long permitted to be placed in this character of alcohol. It rather strikes me that as long as this poisoned alcohol was competitive with the liquor business it was all right to have it poisonous and to have it so that it would kill somebody if he drank it; but now, since it is a question of coming in competition with the bootlegger and his liquor

poisoned with potash, and so forth, we think we ought to eliminate it.

I do not know that it ought ever to have been allowed to have this alcohol so poisonous that it would kill a person—

Mr. TYDINGS. I agree with the Senator.

Mr. TRAMMELL. But I think it ought to be doctored in some way so as not to make it a beverage. I do not want to doctor it so as to make it a beverage and cause people to be drinking it, but I do not think we ought to kill people with it.

Mr. TYDINGS. I have attempted to do exactly what the Senator expresses to be his own thought on the question—that is, to eliminate the extent of the doctoring of this alcohol which would bring about death—and to substitute therefor something that would make it undesirable, not potable, but at the same time would not kill the person who imbibed it.

May I suggest to the Senator from Rhode Island [Mr. HEBERT], who has the bill in charge, that if this amendment is adopted, naturally the bill will go to conference. There will be plenty of opportunity then, and I should be glad to submit to the Senator and to the conferees evidence from reliable authorities to sustain the proposition as I have presented it. If it is as I visualize it, then certainly the amendment ought to be in the bill. If it is not as I visualize it, then the Senator can drop it in conference and eliminate it and pass his bill without this provision therein. All I should like to have is the opportunity, if it is incorporated in the bill and does go to conference, to furnish the Senator and the other conferees with the information upon which my argument is based.

I can not believe that the Senate, upon sober reflection, knowing the extent to which illicit liquor is now being sold in this country, will want to put into industrial alcohol certain ingredients which will kill not those who sell it but the people who buy it.

Mr. McKELLAR. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Tennessee?

Mr. TYDINGS. I do.

Mr. McKELLAR. Has the Senator any proof that anyone was ever killed by the use of this material?

Mr. TYDINGS. I made a talk here on the 1st day of April which lasted nearly three hours, in which time I read from the life-insurance tables of the Metropolitan Life Insurance Co.; and there was a great deal of information in their summary of the year's activity to show that a number of people had died from alcoholic poisoning.

Mr. McKELLAR. Of course, I can understand that they died from alcoholic poisoning; but I was wondering if there was any evidence to sustain the statement which I understand the Senator makes that it was due to the mixture that has been put into denatured alcohol. I do not recall any such cases. I do not know whether there are such cases or not.

Mr. TYDINGS. There is just this much that can be, I think, accepted without argument: The medical profession says that the formula now being injected into industrial alcohol will kill the person who drinks it. The question is, Shall we continue to compel industrial alcohol to be made in accordance with that formula, or shall we eliminate it and substitute something else which will not cause death?

That is the whole question involved here.

Mr. BLACK. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Alabama?

Mr. TYDINGS. Yes; I yield.

Mr. BLACK. I am interested in the question asked by the Senator from Tennessee. The Senator from Maryland states that the medical profession have said that this mixture will kill. Did the Senator present that evidence in his speech?

Mr. TYDINGS. No; I have it in my office, and I am very sorry I did not bring it over; but may I say to the Senator from Alabama that some time ago a Member of another body, who happens to be a physician and a fellow in the American Society of Surgeons, I believe, made quite a long and carefully prepared address on this very subject. It was debated in another body for several days. I have read over some of that debate; and if the Senator will do likewise, if he has the opportunity, he will find that Mr. SROVICH offered any number of authentic proofs supporting his amendment and supporting the proposition that methyl alcohol as contained in the old act of 1906 is deadly, and he attempted at that time to have that stricken out and to have other ingredients substituted therefor. Perhaps the Senator will recall, as I am talking, that contest which took place about two months ago. There was a considerable vote in the House of Representatives in support of the amendment offered there. However, there was not a sufficient vote to eliminate the old provision in the law.

I have said all I care to say, unless there are some more questions on the matter. However, may I conclude by pointing out again that if this matter is not as represented, there is an opportunity in conference to take it out of the new act. If it is as I represent it to be—and I shall certainly try to offer adequate proof to that effect—then it should be retained in the law. Therefore I hope the Senate will vote to adopt the amendment which I have offered.

I can not believe that even my genial friend from Texas [Mr. SHEPPARD], the author of the eighteenth amendment, being sincerely for it, as I know he is, would want to go to the extent of placing in this alcohol an ingredient which would kill the person who imbibed it. If it is not placed in there for that purpose, why is it placed in there? The clear intent at the time the act was passed was to make industrial alcohol poisonous, so that no one would drink it; and, of course, when there was plenty of liquor and very few bootleggers there was not the demand for industrial alcohol that there is now. The real tragedy to-day is that lots of this industrial alcohol finds its way into very beautiful brown bottles with very beautiful corks and caps and very handsome labels, and almost any person who has a few male and female friends might accidentally buy one of those bottles, thinking he had only a pint of good liquor or a quart of good liquor, and wake up, if he or she ever did at all, to find out that he or she had not bought that kind of liquor after all.

I do not think the Senate of the United States wants to go that far. I do not believe anybody here does; and if my argument is not based upon facts this amendment can be eliminated in conference. I hope at least we will get a record roll-call vote on it, so that every Senator may have a chance to state clearly just where he stands.

Mr. SHEPPARD. Mr. President, the answer to the argument of the Senator from Maryland is very simple.

It has been demonstrated time and time again that the amount of poisonous matter put in this alcohol to be used for industrial purposes is not sufficient to kill. It is put in in the proportion of about 2 or 3 parts of methyl alcohol to 97 parts of ethyl alcohol. It has never killed, taken in that proportion, and never will kill.

Every wet country in the world to-day is using this formula. If people in such countries withdraw alcohol for industrial purposes, tax free, the same denaturing element is put in. It was used in this country before the eighteenth amendment became effective. It was put in not to kill, not to injure, but because it is the only ingredient that can effectually perform the purpose in view—that is, to make the industrial alcohol so nauseous to those who may endeavor to drink it that they will not drink it, and, furthermore, because it is the only ingredient that is carried over when the bootlegger attempts to redistill industrial alcohol into the illegal article. They have never yet found another ingredient which is so difficult to remove by the bootlegger.

It was not put in to kill. It was put in because it rendered the stuff nauseating, and because it was more difficult to remove than any other element. I repeat that it was not put in in sufficient quantities to kill.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. SHEPPARD. I yield.

Mr. McKELLAR. Does the Senator know of any deaths that have occurred from the use of this particular ingredient?

Mr. SHEPPARD. The wet propaganda puts forth the claim that it kills; but it was not the methyl alcohol in the industrial alcohol that killed. They were cases of chronic alcoholism and prolonged debauches in the ordinary liquor. That is the real truth of the matter.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. SHEPPARD. Certainly.

Mr. TYDINGS. Will it kill if used in greater quantity than the Senator pointed out?

Mr. SHEPPARD. Methyl alcohol is a poison which can be taken in sufficient quantities to kill.

Mr. TYDINGS. Then the Senator does admit, of course, that it is a poison?

Mr. SHEPPARD. Certainly. I said the poisonous matter in this alcohol was put in for the purposes I indicated, and not to kill anybody. The Senator reiterated here that it was put in to kill.

Mr. TYDINGS. I am not quarreling with the Senator.

Mr. SHEPPARD. The Senator said it was put in to kill, and that is not true.

Mr. TYDINGS. I want to ask the Senator a question, just to elicit what he thinks about it. I understood him to say that the methyl alcohol is poisonous, and that, if put in in sufficient quantity—



Mr. SHEPPARD. All alcohol is poisonous. As the Senator said before, if a man drinks ethyl alcohol in sufficient quantities it will kill.

Mr. TYDINGS. The Senator pointed out that there were so many parts of this ingredient put into so many parts of industrial alcohol. Is that correct?

Mr. SHEPPARD. That is true.

Mr. TYDINGS. And the Senator said that, used in that proportion, it would not kill.

Mr. SHEPPARD. That is very true.

Mr. TYDINGS. And the Senator said that the ingredient put in was poisonous. That is true; is it not?

Mr. SHEPPARD. That is very true.

Mr. TYDINGS. I am asking the Senator now, since he knows the proportion, how much of it would have to be put in alcohol to make it deadly?

Mr. SHEPPARD. I do not know exactly.

Mr. TYDINGS. How much did the Senator say was put in under the present formula—how many parts?

Mr. SHEPPARD. Not over 4 parts; from 2 to 4 parts of methyl to 96 or 97 parts of ethyl. To be exact, the usual proportion is 4 parts methyl to 96 parts ethyl.

Mr. TYDINGS. How is it mixed? Is it measured, each quart, or is it run through pipes in a general proportion? Is it not a matter of fact that in all these large industrial-alcohol plants the poison, the methyl, and the pure industrial alcohol are not mixed separately—that is, by quarts—but that huge amounts are shot into the vats at the same time and stirred about?

Mr. SHEPPARD. I know that is done under the most careful and scientific supervision.

Mr. TYDINGS. Yes. The point I make is that it is made in large quantities; and the very fact that the Senator admits that the ingredient shot in is poisonous, a deadly poison if used in sufficient quantities, takes away 90 per cent of his contention that it should not be put in here, because we all know that if it is partly poisonous it is injurious to the human system to an extent that is dangerous.

Mr. SHEPPARD. Not in that proportion.

Mr. TYDINGS. Oh, yes, it is.

Mr. SHEPPARD. Not in that amount; not in that proportion.

Mr. TYDINGS. A 6-year-old child knows that if half a glass of a certain thing will kill you, a quarter of a glass of that certain thing will do you a whole lot of harm, and no one can deny it. Of course, you can not go out after a man is dead, quite often, and ask him whether he died from drinking industrial alcohol, or whether he died from heart disease, or what not. The fact is that the Government of the United States, driven by fanatics who have no regard for human life in the furtherance of this one law advocate the death penalty for doing no greater thing than drinking a pint of liquor—my God!—in the twentieth century, in the Senate of the United States, in the United States of America!

I do not care whether it kills or not, to concede what the Senator says. I say that if drinking a reasonable proportion of it causes death, if you drink a moderate portion of it the human body is subjected to an affliction which no intelligent lawmaking body is going to foist upon a man who may violate that law.

I know I probably will be defeated in this endeavor. My little attempt to change the law will be looked upon as wet propaganda. I realize that you dare not strike out a comma of the sacrosanct Volstead Act, because it came from God, we learned in the lobby committee the other day, was translated through the giant and spiritual brain of Wayne B. Wheeler to the puppets who carried it into effect, who, in my judgment, sold their manhood for a mess of pottage, and no less. It has brought about crime and corruption over this country that should sicken and disgust any citizen with an ounce of patriotism or a bit of reverence for a past so wonderful as that the United States has had.

I know this proposal will probably fail, because the Senator from Texas is the spokesman for those who believe in the national prohibition. He is the author of the eighteenth amendment, and, my God, Senators, dare we run up against these men who sit on yonder hill and tell us free, independent, noble American Senators how we shall vote? Perchance, if we do not vote in accordance with the edict which comes from the bishop on yonder hill, look out, because you will lose your seats. That is the present situation in the United States of America.

I am a little disappointed to find my good friend the Senator from Texas, as sincerely as he believes in national prohibition, rising in opposition to an amendment which seeks to do nothing more nor less than to take a poison ingredient out of industrial alcohol. I say I am disappointed. I do not question

his integrity or his freedom of thought in the matter, but I had hoped that at least we could lay the wet and dry issue of this argument aside and look at the real truth involved in this question. The Senator has admitted that the ingredient is poison, he has admitted that if enough of it is put into industrial alcohol it will kill, and certainly if less than enough to kill is put in, there is enough to do the human body serious injury.

Mr. BLEASE. Mr. President, has the Senator overlooked the fact that there is no poison in embassy whisky?

Mr. TYDINGS. Oh, no. Senators, there is nothing more I can contribute to this subject. I have been over it pretty thoroughly. I would like to have this amendment adopted. If anybody questions the authenticity or truthfulness of any statement I have made, when the measure goes to conference, the conferees can be shown that I did not know what I was talking about; they can eliminate the amendment in conference. But in the absence of any proof to the contrary, I think it is up to this body, representing the last forum of human discussion in the United States, to remove this poison provision from the law, and let the alcohol hereafter be made in pursuance of some formula which will not be deadly, which will make the alcohol nauseating, sickening, perhaps make it undesirable, but certainly not so that it will kill.

There have been murders enough and slaughtering enough on the public highways, there have been violations of human rights, there has been double jeopardy, almost every right has been taken away, in the mad pursuit of national prohibition, for which men once fought and died. There has been demand for excessive bail, there has been double jeopardy, trial in the national courts and in the State courts for the same incident, confiscation of property, searches without warrants by men in civilian clothes. You can not tell whether they are high-jackers, bootleggers, highwaymen, or Federal officers.

Mark you, not all the drunkenness is on the side of those who drink liquor. The people who are in favor of national prohibition are drunk with power, and it is going to be their undoing. They started out in 1920 with the people of this country firmly behind national prohibition, but they have been so intolerant, so shortsighted, so narrow, so great has been their desire to put over this proposition, that they swept aside every human and humanitarian consideration. The reason sentiment in this country is changing—and it is changing—is not because they could not have gotten what they started out to get but because they have been drunk with power, they have not seen any signposts around them pointing to the fact that they have been making a mistake.

Leave it in! Let them die! Thank God, when I sleep tonight the blood of other people will not be upon my hands.

Mr. HEBERT. Mr. President, I am not willing to agree to the amendment proposed by the Senator from Maryland. In the first place, it has no place in this bill. This is essentially a transfer bill; in other words, a bill to transfer the enforcement of the prohibition law from the Treasury Department to the Attorney General. Moreover, there has been no consideration of the amendment during the time when this bill has been before the Committee on the Judiciary.

Mr. TYDINGS. Mr. President, will the Senator permit an interruption?

Mr. HEBERT. Certainly.

Mr. TYDINGS. I know the Senator recalls that in the bill there is a provision for the seizure and sale of motor vehicles.

Mr. HEBERT. That is true; but that has no reference to the enforcement of prohibition.

Mr. TYDINGS. What has it reference to?

Mr. HEBERT. Confiscation.

Mr. TYDINGS. If it has no reference to the enforcement of prohibition, certainly my amendment has more reference to the enforcement of prohibition than the one the Senator mentions.

Mr. HEBERT. Moreover, the Committee on the Judiciary has not had under consideration any phase of this pending amendment. I know that it has merit. I can assure the Senator that, so far as I am concerned, I should be glad to give it my best consideration, and I am authorized by the chairman of the Committee on the Judiciary [Mr. NORRIS] to say that if the Senator will present a bill to carry out the purposes set out in his amendment pending here he will bring it to the attention of the Committee on the Judiciary the day after it is introduced and will appoint a subcommittee forthwith to give it consideration.

Mr. TYDINGS. Mr. President, I appreciate the Senator's genuineness and I appreciate the fact that he is offering a method by which this can be incorporated into law. But I also appreciate the fact that there was a resolution introduced for an investigation of the Prohibition Department about two months ago, and because certain dry people, it has been said, do not

wish to have the bureau investigated, notwithstanding it literally reeks with corruption, as we all know, there it stays; you could not budge it out of the committee with a 16-inch gun.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Maryland [Mr. TYDINGS].

Mr. WALSH of Massachusetts. I ask for the yeas and nays. The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. BRATTON (when his name was called). I have a pair with the junior Senator from Maine [Mr. GOULD], but I understand that if present he would vote as I intend to vote, and I am therefore at liberty to vote. I vote "nay."

The roll call was concluded.

Mr. BLEASE. I have a pair with the senior Senator from West Virginia [Mr. GOFF]. Not knowing how he would vote, I withhold my vote. If I were at liberty to vote, I would vote "yea."

Mr. WATSON. I have a pair with the senior Senator from South Carolina [Mr. SMITH], which I transfer to the junior Senator from Maine [Mr. GOULD], and vote "nay."

Mr. FESS. I desire to announce the following general pairs: The Senator from Pennsylvania [Mr. GRUNDY] with the Senator from Florida [Mr. FLETCHER];

The Senator from New Hampshire [Mr. MOSES] with the Senator from Utah [Mr. KING];

The Senator from New Hampshire [Mr. KEYES] with the Senator from Arkansas [Mr. CARAWAY]; and

The Senator from New Jersey [Mr. KEAN] with the Senator from Alabama [Mr. HEFLIN].

I am not advised as to how any of these Senators would vote on this question.

Mr. SHEPPARD. I desire to announce that the junior Senator from Arkansas [Mr. CARAWAY] is necessarily detained on official business.

The result was announced—yeas 19, nays 54, as follows:

| YEAS—19       |              |                |               |
|---------------|--------------|----------------|---------------|
| Bingham       | Glenn        | Patterson      | Tydings       |
| Blaine        | Hawes        | Phipps         | Wagner        |
| Broussard     | Johnson      | Ransdell       | Walsh, Mass.  |
| Copeland      | Kendrick     | Reed           | Wheeler       |
| Couzens       | La Follette  | Sullivan       |               |
| NAYS—54       |              |                |               |
| Allen         | Frazier      | McKellar       | Simmons       |
| Ashurst       | George       | McMaster       | Steiwer       |
| Baird         | Gillett      | McNary         | Swanson       |
| Barkley       | Glass        | Metcalf        | Thomas, Idaho |
| Black         | Goldsborough | Norris         | Thomas, Okla. |
| Borah         | Greene       | Oddie          | Townsend      |
| Bratton       | Hale         | Overman        | Trammell      |
| Brock         | Harris       | Pine           | Vandenberg    |
| Capper        | Harrison     | Robinson, Ark. | Walcott       |
| Connally      | Hatfield     | Robinson, Ind. | Walsh, Mont.  |
| Dale          | Hebert       | Robison, Ky.   | Waterman      |
| Deneen        | Howell       | Schall         | Watson        |
| Dill          | Jones        | Sheppard       |               |
| Fess          | McCulloch    | Shortridge     |               |
| NOT VOTING—23 |              |                |               |
| Bleas         | Gould        | Keyes          | Shipstead     |
| Brookhart     | Grundy       | King           | Smith         |
| Caraway       | Hastings     | Moses          | Smoot         |
| Cutting       | Hayden       | Norbeck        | Steck         |
| Fletcher      | Hefflin      | Nye            | Stephens      |
| Goff          | Kean         | Pittman        |               |

So Mr. TYDINGS's amendment was rejected.

Mr. McKELLAR. Mr. President, I should like to have the attention for just a moment of the Senator in charge of the bill. I want to say to the Senator that of course I am very heartily in favor of the bill which he has in charge, but there are one or two points to which I wish to invite his attention.

Under the present law attorneys employed by the Prohibition Bureau are under civil service. If the Senator will look at page 2, line 5, of the bill, he will find a statement taking attorneys from under the civil service, as follows:

The Attorney General is authorized to appoint, without regard to the civil service laws, an assistant director of prohibition—

That is absolutely all right, and should be done; but the bill proceeds—

and such attorneys as he deems necessary.

It seems to me that ought to be stricken out, and the provision should be made to read:

And, in accordance with the competitive provisions of the civil service laws, such attorneys and such other officers and employees as he deems necessary.

Then, if the Senator will turn to page 3, line 8, I call his attention to the words:

But such attorneys shall not be subject to the provisions of the civil service laws.

I think a blanket provision that the Attorney General shall have the right to employ such attorneys without regard to the civil service provisions such as we now have in the law is not proper and should not be enacted into law.

I am wondering if the Senator will not agree to an amendment striking out, on page 2, line 5, the words "and such attorneys as he deems necessary" and inserting the words "and such attorneys" in line 7 after the word "laws," and on page 3, lines 8 and 9, striking out the words "but such attorneys shall not be subject to the provisions of the civil service laws." I think the present law about selecting attorneys from lists furnished by the Civil Service Commission is right and proper and should be adhered to. I do not believe there ought to be any weakening of the civil service law.

Mr. OVERMAN. Mr. President, that is not the law now. The Attorney General is permitted to appoint attorneys without regard to the civil service law, and he did not want any provision of that kind put in this bill.

Mr. McKELLAR. While it is not the law as it relates to the Attorney General's department now so far as the Assistant Attorneys General are concerned, it is the law as it relates to the Treasury Department that these men shall be selected under civil service. It seems to me it would weaken the law very much to give the Attorney General the power to appoint any attorneys that he might please without regard to civil-service rules as provided under the present law. I think that an attorney who can not stand the civil-service examination ought not to be appointed by the department. That is my judgment.

Mr. BORAH. He might be able to stand the civil-service examination, but know nothing about the law.

Mr. McKELLAR. Yes; that is possible. On the other hand, there are a great many men appointed who I think could not stand the civil-service examination. So it works both ways.

Mr. HEBERT. Mr. President, in answer to the question propounded by the Senator from Tennessee, I may say that the committee gave full consideration to the proposal to bring the attorneys to be transferred under civil-service rules in the Department of Justice. We reached the conclusion that inasmuch as none of the attorneys now employed in the Department of Justice are under civil service it would be anomalous to have a part of them so employed and a part otherwise employed. Besides, again, we felt that the Attorney General should have a free hand to choose those attorneys whom he considers best able to do the work intrusted to them in the way of enforcement of the prohibition law. We do not want to interfere with it in any way. It was at his request that that provision was inserted in the bill.

Mr. McKELLAR. Mr. President, I am not going to offer the amendment. I am content with having presented the matter to the Senate. I think it is a great mistake that is probably being made in removing the civil-service requirements. However, I am so much in hopes that the Attorney General will enforce the liquor laws better than they have been enforced in the past that I am constrained to proceed on the theory of giving him a free hand so that he can not say of the Congress that we have not done everything he wanted in order to give him an opportunity to enforce the law. I believe the Attorney General can enforce the laws if he undertakes to do it, so I am not going to offer the amendment.

Mr. JONES. Mr. President, I know of no one who is better qualified in my judgment to speak as to the effect of prohibition than Evangeline Booth, head of the Salvation Army in America. There appeared in the New York Times last Sunday an appraisal of prohibition by this splendid woman. I ask that it may be inserted in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. The article is as follows:

[From the New York Times, Sunday, May 11, 1930]

THE SALVATION ARMY APPRAISES PROHIBITION—ON THE BASIS OF REPORTS FROM VARIOUS CITIES, COMMANDER BOOTH PICTURES THE CHANGES BROUGHT BY THE AMENDMENT AND DECLARES THE LAW IS HERE TO STAY

(The following article by the commander of the Salvation Army in America is an interesting contribution to the prohibition debate. It is based on reports sent to New York headquarters by officers of the Salvation Army stationed in various parts of the country.)

By Evangeline Booth

Since my early girlhood I have lived in order to combat the grave evils arising out of the liquor traffic. Hundreds of times I have sung and prayed in the actual bars of the public houses in London, while the sale of beer and spirits was proceeding. I have made my home in the underworld and engaged in the pitiable industries of the sweatshop;



taken my place among the vendors of flowers and match boxes and with the street singers collecting their pennies from the passers-by.

My experience of this problem is thus at first hand and, beginning in Great Britain, it has continued on the Continent of Europe, in Canada and the Klondike, while in the United States I am completing 25 years of service, during which period I have been able to observe the situation, both before and after the eighteenth amendment came into force.

With our officers I am in constant touch, and our trained workers, holding strategic positions, send me periodical reports of their observations. Theirs is an experience by no means confined to the poor. Among the most saddening tragedies with which the Salvation Army has to deal there must be included the wrecked lives of the so-called rich.

#### OPPOSITION TO LIQUOR TRAFFIC

The Salvation Army stands wholly outside politics and controversy and is well aware that its support of prohibition is not approved by many friendly newspapers and generous contributors. With great respect to those who differ from us, we are bound, at whatever cost in popularity, to say plainly that it would be impossible for us to carry on our work except in direct opposition to the liquor traffic in all its forms. Our officers and soldiers and even recruits can not belong to the army except on the basis of strict personal abstinence.

My father, William Booth, founder and first general of the Salvation Army, was so impressed by the actualities of alcoholism that, despite his Methodist affiliations, he discontinued the communion service, usually administered in the Christian church, thereby laying himself and the army open to controversy and criticism.

In the use of beverages other than water, fermentation was never an essential, and to-day it is to an increasing extent eliminated. Tea, coffee, cocoa, served hot, with many cooling drinks derived from fruits, have been developed as an alternative to wine, beer, and spirits, and fulfill the legitimate purpose of what formerly was intoxicating liquor of varying strength.

There is an unanswerable case for abstinence. There are the vital statistics of insurance companies. There are the records of hospitals where patients, abstaining and nonabstaining, submit to surgical treatment. In major operations it is admitted that a patient without alcohol in his system enjoys an advantage. There are strict rules imposed on athletes in training. But, more significant than all these, is the policy pursued by organized industry, in which, as the United States Steel Corporation has put it, "The last man hired, the first man fired" is "the man who drinks."

The subdivided processes essential to mass production, in which the strength of the human chain is no stronger than its least sober link, the increased speed and variety of locomotion at sea, in the air, and along the highroad, the insistence on personal reliability in banks and offices—all this has necessitated in the United States an enrollment of abstinent workers. It means that the efficiency of the individual, when subjected to many varied tests, responds most readily and most reliably to a diet from which alcohol is excluded.

#### DIFFICULTY OF RESTRAINT

Erring men and women have not found it possible to observe restraint in the use of alcohol, and, in all countries, at all times, the liquor interests, public and private, have seen to it that restraint is made as difficult as possible. The result is that wherever alcohol is used at all, it is widely abused.

Few are the families of moderate drinkers which do not include, or have not included among the kin, direct or nearly collateral, some tragic skeleton of the cellar. There is, after all, a sharp distinction to be drawn between material indulgences, like tobacco on the one hand and drink and drugs on the other hand, and the suggestion that a limitation of drink stimulates the demand for drugs is directly contrary to our experience in the army. Drugs and drink are allies, and a blow at the one is a blow at the other.

As a result of an unexampled wave of prosperity, due in no small measure to prohibition, many families, not long ago reckoned among the poor, have become comparatively and actually rich. It is thus a curious and ironical fact that in the very homes which owe much of their affluence directly to the economic results of the eighteenth amendment, there has been a tendency to discard the one restraint of which that affluence is the result.

The nouveaux wets, as they go over the top into the barbed-wire entanglements of what in the United States should be the no man's and no woman's land of a deliberate disobedience to the law, are like the soldiers at the outset of a war. They think a good deal more of the bands playing and of the flags flying than of the casualties which will follow. It is the casualties that come to the Salvation Army—the boy whose name is no longer mentioned, the girl whose name is known only to herself.

#### "BRAVADO" OF THE COCKTAIL

Drinking in wealthy homes did not begin with prohibition; on the contrary, it was so usual before prohibition as to arouse no comment. To-day that drinking, even where it continues, is restricted. Many a cocktail is served, and on special occasions only, less as booze than as bravado. Many a glass had become little more than a gesture. The

orgies described in cheap fiction, the bacchanals staged for the movies, the cheap jests and insulting cartoons which are showered on the dregs are merely symptoms that an ancient and world-wide evil dies hard.

If, however, it had been the fact, which we deny, that prohibition is a social failure, we would reply that what is here meant by the word "society," and especially society in certain fashionable areas, does not constitute the Nation, but only a small proportion of the Nation, at most one-tenth. The real question is what has happened to the nine-tenths, and here the evidence of the Salvation Army is, we submit, direct and unchallengeable.

In New York before prohibition the Salvation Army would collect 1,200 to 1,300 drunkards in a single night and seek to reclaim them. Prohibition immediately reduced this gathering to 400, and the proportion of actually intoxicated persons on the day selected from 19 out of 20 to no more than 7 in all. In fact, this method of evangelism yielded so few results that we gave it up.

Our report from the Bowery is that drinking in that difficult area has dropped 60 per cent—that is, to less than half what it was. In 1920, the first year of prohibition, the Salvation Army took charge of the Bowery Hotel. Every night, and especially on Saturday night, men had to be ejected for creating disturbances, and owing to intoxication of the occupants, the bed linen was often left in a filthy condition. But to-day in our Memorial Hotel, where we house 4,800 men a week, we do not have more than 4 or 5 cases of intoxication, or 1 in 1,000.

In the Chicago Daily News of April 1 and 2, 1929, interviews were published with our officers serving in that city. For No. 1 industrial home, with 120 men, Sunday was selected as a test day because it immediately follows Saturday night. On one Sunday there were two drunks, and on the next none at all. This record compares with 50 per cent of drunks 10 years ago and 25 per cent of drunks 4 years ago.

In Chicago it happened that our Palace Hotel was subjected to an unforeseen and entirely impartial test. There had been a report of smallpox in the city, and all the men in the hotel, about 500, were vaccinated on the nights of January 10 and January 11 by an independent physician. Not one of the men was found to be under the influence of liquor.

It would be merely monotonous if I were to quote exactly similar reports from other cities. Enough to say that evidence emanating from Jersey City, New Haven, Wheeling, Hartford, Boston, Columbus, Altoona, Brooklyn, Philadelphia, Birmingham, Jacksonville, Portland, Me., Cleveland, Syracuse, Newark, Buffalo, Louisville, and many other centers of population justify the statement that among those who live by basic labor, prohibition has eliminated the worst evils previously originating from drink.

The reason is economic. These men can not afford to pay for reliable liquor at 75 cents a drink, and in any event reliable liquor is more difficult to obtain. It has been said that in the evasion of the eighteenth amendment there is one law for the rich and another for the poor. The position of the Salvation Army is that drink is not a blessing of which prohibition deprives citizens who are entitled to it. We regard drink as a danger from which the citizen and his home have been wisely defended.

The statement that indulgence in liquor and consequent evasion of the eighteenth amendment vary inversely as the wealth of the families involved means that the mass of the Nation engaged upon the production and consumption of commodities is not to be held responsible for the bootlegging, the rum running and the disobedience to law which have been so widely advertised for the purpose of discrediting a beneficent measure of reform. One of our commissioners writes:

"If some young men and young women are learning to drink, it is largely due to the fact that on the stage, in newspapers, at service clubs nearly every one of the favorite jokes is prohibition. Some supposedly decent citizens, and young fellows that want to be red-blooded, are ashamed to be opposed to liquor; and the downfall and blood of many a young man that becomes lost will be upon the skirts not of the ragged drunkard but of the well-dressed drunkard of means."

Our officers, in their reports, are fully conscious that evasion is a serious offense against the public interest. But they deny point-blank that such evasion, even where it is most prevalent, has destroyed the broader values of the law evaded. "If," asks one of our officers at Worcester, Mass., "prohibition at its worst has improved conditions to the extent that is seen, what would it be if we had a perfect enforcement of the Volstead Act?"

Doubtless it is deplorable that poisonous substitutes should be available in places, but the very tragedies of death and blindness, resulting from this consumption, have proved to be a stern deterrent, demonstrating to the men themselves that it is not worth while to take risks. The occasional spectacle of some man overcome by these pernicious liquors, creates, rightly, an unfortunate impression, but it must be remembered that the reason why many of such victims succumb to a single glass of hard liquor is that regular drinking has ceased to be their habit.

While poisonous liquor is "burning out" those who are so foolish as to surrender to it, there is arising a new generation, essentially different from the European immigrants who have brought with them their taste for liquor—a new generation which, in the main, will have

no liquor in its blood. Of Cincinnati and Jersey City, an officer, familiar with both places, writes:

"Prior to prohibition it was a rare exception for one of our men to have a savings bank account, whereas for the past 10 years there are at least 600 per cent more savings accounts."

This officer adds:

"In this city we are located in a hotbed of wet propaganda. The local papers are wet and the mayor publicly derides the prohibition law in his speeches, telling all that he doesn't believe in it; that it is tyranny and everything else that is evil. With this from our chief executive officer, we naturally have a very poor enforcement of the Volstead Act. I have had police officers in the city tell me that they not only didn't believe in it but that they would make no effort to enforce it except in the most flagrant cases. But in spite of this we have but few drunkards in our institutions compared with former days, and those cases that we do come in contact with are a different class of men from those met formerly. It is now the younger or middle-aged man. Formerly a great majority of the men in the institutions were men who through drink had been brought down to the gutter, and it was a struggle against the temptation the open saloon afforded. The majority of men who come to us now are not drinking men in that sense of the word at all. Some few of them are addicts to the drink habit and cause some trouble, but they are in the minority."

The officer states that, judging by results, he would rather have two "blind tigers" on a block than one legalized saloon.

That there has been drinking among women of every period is undoubtedly a fact. It is impossible for men to indulge in drink without involving the whole community in the habit. But the broad fact known to us all is that women, as a sex, drink not at all or in much less quantities than men. Woman can not afford to sacrifice her self-respect, her personal appearance, and her position in society to a lapse from decency, which in her case is held to be unpardonable. It may be assumed that in homes where men abstain from liquor no question arises, except in the most rare instances, as to the women. It is also well known that among the workers, and, indeed, in all classes of society, the most pertinent question asked by a girl and her parents before marriage is whether the suitor is steady in his habits, which means sober.

The women of America do not tolerate an inebriated manhood. It is no mere coincidence that the eighteenth amendment, prohibiting liquor, should have been historically simultaneous with the nineteenth amendment, giving the vote to women, and should have preceded by a few years only the proposed twentieth amendment, drafted to abolish child labor. These legislative enactments and proposals are, all of them, parts of a general movement toward the defense of domestic life against the destroying menace of selfishness in the environment.

#### THE WAR AND SOCIAL RESTRAINTS

The Great War was an explosion which shook not thrones alone but traditions and social restraints. By these disturbances women in the United States as well as men were affected, and it is always in colleges that youth in its eagerness tries its experiments. Hence, we have the statement that there has been more drinking among young people since prohibition than formerly, and this increase particularly affects girls.

So far as I am aware, there has never been any attempt to prove this by statistics or other definite evidence. It appears to be a case not of increased drinking but of greatly increased sensitiveness to the drinking that is taking place. At Oxford and Cambridge drink is served in the colleges as a matter of course, and no one thinks anything about it. The Salvationist notices that in the United States there has been not only reckless drinking but reckless thinking, reckless teaching, and reckless preaching.

Women are adjusting themselves, not only to their liberties but to their responsibilities, and I deny point-blank the statement that there is any general drinking among American women. It is manifestly contrary to the facts which stare us in the face. Take the bright lights of Broadway, New York. Within that glittering area there are, as there always have been, certain roofs and restaurants where at a high price a sexual appeal is offered, accompanied doubtless by illicit liquor. But if we take the great mass of the people who attend the theaters and the movie houses and return home by train and car and subway, it is absolutely true that on nine evenings out of ten and in nine cases out of ten they are bone dry.

The public frequently are confronted by what seem to be appalling statistics. Nor is it realized that big figures may represent what, comparatively speaking, is a small fact. Let us suppose that 10,000,000 persons in the United States spend no more than \$1 a week on liquor. Even so, that aggregate expenditure would work out at \$500,000,000, a very large sum, which taken by itself might be so presented as to suggest that the law had broken down. But what would be the truth of the matter? It would be that 100,000,000 people in the United States did not touch liquor from one year's end to another, and that even the 10,000,000 people were bone dry on six days a week.

I am prepared to be told that a much larger sum than \$500,000,000 is spent in the United States on liquor. Even so, I suggested that this

expenditure must be examined comparatively. Take Great Britain. The drink bill has been calculated for many years with admitted accuracy. In round numbers it amounts to \$1,500,000,000.

Allowing for a difference of population, the corresponding figure for the United States would be about \$4,000,000,000, and if we take into consideration the difference of prices and spending capacity of the people on the two sides of the Atlantic the figure would be still higher. In Great Britain to-day the expenditure on liquor per head of population is about \$34 per annum, and by the word "population" we mean not only men but women and children. We include also the prisoners, the paupers, and the old-age pensioners.

For a home of five persons the expenditure works out at \$170 per annum or \$3.25 per week. In Great Britain there are numerous families which spend nothing at all on liquor, and this means that the burden on nonabstaining households is proportionately increased. The wages of a British workingman reckoned in gold, as every economist knows, are much lower than the wages of the American; for instance, many classes of miners have been fighting for a wage which would be typical as an average at \$12 a week.

It is under these circumstances that liquor takes a toll of \$34 per annum for the individual and \$3.25 per week for a household. It is true that rather more than a third of the expenditure is paid into the exchequer as taxation. It is a taxation that falls in the main on those who are least able to sustain it, and, incidentally, it proves that high taxation, even where it is strictly collected, does not solve the liquor question.

Great Britain has been hard hit by the war, but she has essentially the same opportunities as the United States of employing her people on foreign trade and other commerce. Yet she has been compelled to establish an elaborate national insurance for sickness, old age, maternity, and last but not least, unemployment. The statement is made that her production per head of employed persons is far below production per head in the United States. In the adoption of machinery and in the discipline which enables machinery to be used to the best advantage, she has been conservative, and it is this conservatism which has been applied to the liquor question. It is said that in Great Britain there is less consumption of alcohol per head than there used to be, and less drunkenness. That would be no argument against prohibition. On the contrary, it would mean that the force of circumstances, including drink-produced poverty, was driving Great Britain along our own path.

The idea that Great Britain and Europe are satisfied with the situation may be dismissed. The prosperity of the United States is impossible to ignore and the liquor interests throughout the world are conscious of the challenge. They are fighting for their lives and their strategy is everywhere apparent. In Great Britain the trade includes at least 100,000 licensed houses, with all that this means of political influence at elections.

It is true that some saloons have been closed. It is also true that others have been enlarged and that there has been a notable increase in the number of clubs selling drinks. Under the laws of limited liability the ownership of the breweries, the distilleries, and the dependent places of sale has been spread over an immense number of stockholders, many of them occupying positions of influence in the State.

#### LORD ROSEBURY'S VIEW

Thirty years ago the late Lord Rosebery, once Prime Minister and himself a sporting man who won the Derby and mixed in the most fashionable society, declared that if Britain did not rule the liquor traffic the liquor traffic would rule Britain. When fighting for her national existence Great Britain severely restricted the supply of liquor. Under the stress of emergency she had to recognize facts. It was only when the emergency seemed to be over that she relaxed her vigilance, and to-day it is the simple truth that no party has been able seriously to attack the grievous evils, economic and industrial, which are manifest in the situation across the water.

It is natural that in Great Britain, with her entrenched liquor traffic, and in France, in Germany, and in Italy, with their enormous investments in vineyards, there should be an organized ridicule of the United States and an endeavor to influence our citizens who visit the Old World. To smuggle liquor of any kind into this country, and at whatever cost, is a part of this strategy, and the question is whether as a nation we do or do not intend to surrender to these hurtful influences in countries otherwise friendly.

A long series of decisions by the Supreme Court indicate that this august tribunal interprets the eighteenth amendment in the plain sense of the words contained therein. At the same time there has been raised the question whether some alternative policy should be adopted, and I am prepared to submit our views on the merits of these alternatives.

The liquor traffic can be handled in three ways: First, State ownership and control of the traffic; secondly, State restriction of the traffic; and thirdly, prohibition.

Over State ownership and control I need not waste many words. Under our Federal form of government, in which 49 sovereign areas would have to be dealt with, the legal, constitutional, and financial difficulties would be enormous, while politically such a scheme lies wholly outside



the legislative possibilities. The idea that the consumption of liquor would be diminished by such a distributive network of selling places appears to be contrary to all the probabilities, and a legal glass of beer does just as much harm as an illegal glass.

#### REGULATION AND PROHIBITION

The people who advocate such regulation have short memories. They do not seem to be aware that it was the failure of regulation throughout the United States that drove us into prohibition. Nor is there any country in the world where regulation has solved the liquor problem. In the United States it was regulation which corrupted our politics, bribed our law courts and police, and maintained our red-light areas.

Let me offer in evidence the following first-hand description of the position in the Bowery from an officer of lifelong experience in that area:

"This section was notorious for more than 100 years as the great crime center of the metropolis, if not of the country. Under the licensed saloon the gangster organizations were thoroughly entrenched; concert halls and gambling clubs of a most vicious character were doing business in a high-handed way. Many men were murdered in cold blood and buried beneath the buildings or thrown into the sewers or otherwise done away with. There were about 100 saloons, 4 saloons to every block, making on both sides of the street 8 saloons. Some of these were palatial, occupying an independent building; the upstairs was used for all kinds of iniquity—they were usually called 'ladies' parlors.'

"There were more than a hundred parlor houses and hundreds of smaller houses of prostitution running on the side streets the entire length of the Bowery, extending way down into Cherry and Water Streets. It is estimated that 200,000 men would come in from the country from various States—New England, New York State, Pennsylvania, New Jersey—every week, especially on Saturdays and Sundays. Millions of dollars were poured into the pockets of the vicious purveyors of sin who thrived on the business of rum and immorality. Lodging houses were not as numerous, but there were many of them 20 or 30 years ago. The lodging houses in those days were notorious for the peddling of rum, dope, stolen goods, and debauchery.

"There was much bootlegging going on in the days of the saloon—more than in these days. In fact, I have had a policeman, in fact many of them, some of them now retired, tell me that the Bowery and Third Avenue was a veritable hell on earth from the vice and brawls that went on not only with the gangsters and the tough boys of the neighborhood but many families as well. I have had these same policemen tell us what a wonderful change has been brought about in a reign of quietness for the neighborhood since prohibition came."

The truth is that whatever restriction is placed by the law on the liquor traffic it will be the aim of the liquor traffic to rebel against it. No liquor traffic anywhere has kept faith with the law except in so far as the law is on the side of the liquor traffic.

The Salvation Army is wholly opposed to the policy of introducing light wines and beers sold under the law for consumption off the premises. That policy means the return of the saloon triumphant into our national life. Wherever beer is sold there is the saloon, even if it be the back door of a rabbit hutch.

Let us suppose that 10,000 of such places were started in New York City. Does anybody suppose that such places, the very symbols of a criminal triumph over the forces of law and order, the rendezvous of bandits, bootleggers, racketeers, and dishonest politicians, would be content with their profits on light wines and beers, or insistent on consumption off the premises?

#### THE LAW AND THE REBEL

There would be exactly the same forces organized to break down regulation that are to-day organized against prohibition, and the idea that the rich man who likes his cocktail and his glass of whisky and his champagne is going to be content with lager beer and some scarcely alcoholic light wine as an alternative may be dismissed. He will say what he is saying to-day, that he has a right to drink what he likes and to get it where he can.

The idea that the provision of beer can ever be a cure for drunkenness is fantastic. More than half the alcohol consumed in the United States before prohibition was in the form of beer. Most of the drunkenness was due to beer. On homebrewing and distilling the view of the Salvation Army is equally emphatic. These are a defiance point-blank of the eighteenth amendment, which in plain terms forbids the citizen of the United States to manufacture alcoholic liquor. The idea that liquor has been or ever will be widely brewed by an individual family for its own exclusive use may be dismissed. It is merely the revival of moonshine or the illicit still with which the United States has been long familiar.

The conclusion of the Salvation Army, therefore, has been, in one sentence, that prohibition in the full sense of the word has been a major reason for the rapid advance of the United States to a foremost place among nations; that liquor not prohibited is a major reason for the retardation of a similar progress among other peoples of the world, and that if prohibition be attacked, whether by foreign nations or by certain of our own citizens, the reason is, in the main, a selfishness on the part

of the individual or of the financial interest involved. In a sentence, the world is moving toward the view that liquor is a survival of the past, and, manifestly, prohibition in the United States has come to stay and must be accepted as the law of the land.

Mr. DALE. Mr. President, may I ask the Senator from Rhode Island if the provision which has just been under discussion displaces any attorneys now under the civil service?

Mr. HEBERT. All the attorneys who are construed to come within the purview of the enforcement of prohibition are to be transferred over to the Attorney General's department, but they are not to be under civil service in the Department of Justice.

Mr. DALE. What I had in mind is whether attorneys in the field service in particular, who are now under civil service and who were required to take the examination to get their present positions, are to be displaced by men who are not in the civil service?

Mr. HEBERT. I do not so understand. The fact is, most of the men in the field, though they may be attorneys, are not classified as attorneys. They occupy positions for investigation and detail work, and some of them for clerical work.

Mr. DALE. But they are all under the civil service.

Mr. HEBERT. They are, and will continue under civil service, except that the attorneys who go over to the Attorney General's department will not continue under civil service but will go to that department under the provisions of this bill.

Mr. DALE. And those who go over are not under civil service now?

Mr. HEBERT. It may be that some of them are under civil service now.

Mr. DALE. If they are under civil service now, how can they retain their status?

Mr. HEBERT. That is the very point we had under consideration. There is a small number of such persons who will be transferred and who will not have civil-service status after their transfer. But it was deemed inadvisable to provide civil-service status for attorneys employed in the Attorney General's department when all the rest of the personnel in the way of attorneys in that department are not under civil service.

The VICE PRESIDENT. The bill is still as in Committee of the Whole and open to amendment.

Mr. GLASS. Mr. President, as I stated in the last Congress, I am very earnestly in favor of the transfer of prohibition enforcement which is provided by the bill now before us, and I shall vote accordingly. But I am not willing that either the Senate or the country shall get the impression that this action is now being taken because of any initiative, any suggestion, or any inquiry made by the so-called Commission of Law Enforcement which has already expended nearly a quarter of a million dollars under a resolution proposed by me in this Chamber and, as far as we know, has diverted the whole amount to the investigations of matters which were absolutely foreign to the appropriation and the action of the Congress, and is now asking for an additional appropriation of a quarter of a million dollars. Before that shall be made I intend to propose a resolution in the Senate requiring the commission or asking the Comptroller General to give the Senate a statement of the expenditures already made by the commission.

Mr. President, this transfer should have been made long ago. As a matter of historic recital I may say that when the Volstead Act was passed I happened to be Secretary of the Treasury and I then protested against confiding the enforcement of the prohibition law to the Internal Revenue Bureau in the Treasury Department. Subsequently, Mr. Secretary Houston made a very earnest official protest to Congress against continuing this unit in the Treasury Department, as it had no relation whatsoever to the proper functions of that department.

Later the present Secretary of the Treasury, Mr. Mellon, very earnestly urged the transfer of the unit to the Department of Justice, where it properly belongs and where it should have been all the time. On each occasion the then dominant officials of the Anti-Saloon League protested against the transfer, evidently desiring that none of the appointees of this unit should get from under the thumb of the Anti-Saloon League.

At the last session of Congress the President of the United States recommended to the Congress the transfer of the unit from the Treasury Department to the Department of Justice, and such transfer was only delayed then because it was proposed to refer the question to a joint committee of the Congress. The Senate went so far as to adopt the proposal to refer it to a joint committee, but the other branch of Congress rejected the suggestion.

I have made this recital in order that the Senate may not be deceived nor the country misled into the belief that the so-called Commission for Law Enforcement has done anything

more than inquire into delinquent children, the theft of automobiles, and other such things as have no relation whatever to the action of Congress in appropriating the tremendous sum of \$250,000 for an investigation of prohibition enforcement.

The VICE PRESIDENT. If there are no further amendments to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass? SEVERAL SENATORS. Yeas and nays!

The yeas and nays were not ordered.

The bill was passed.

#### ABOLITION OF PROCEEDINGS IN COMMITTEE OF THE WHOLE

Mr. SWANSON. I move that the Senate proceed to the consideration of Senate Resolution 227.

Mr. McNARY. Mr. President—

The VICE PRESIDENT. The resolution will be read for the information of the Senate.

The legislative clerk read the resolution (S. Res. 227) submitted by Mr. SWANSON on March 8, 1930, and reported from the Committee on Rules on April 4, 1930, as follows:

*Resolved*, That hereafter bills and joint resolutions shall not be considered as in Committee of the Whole, as heretofore required by the rules, and this stage of the parliamentary proceedings relating thereto is hereby abolished.

*Resolved further*, That paragraph No. 3 of Rule XIV of the Standing Rules of the Senate be, and it is hereby, amended by striking therefrom the following words, namely: "as in Committee of the Whole," so as to make the paragraph read:

"3. No bill or joint resolution shall be committed or amended until it shall have been twice read, after which it may be referred to a committee; bills and joint resolutions introduced on leave, and bills and joint resolutions from the House of Representatives, shall be read once, and may be read twice, on the same day, if not objected to, for reference, but shall not be considered on that day, nor debated, except for reference, unless by unanimous consent."

*Resolved further*, That Rule XV of the Standing Rules of the Senate be, and it is hereby, amended by striking therefrom paragraph No. 1, as follows: "1. All bills and joint resolutions which shall have received two readings shall first be considered by the Senate as in Committee of the Whole, after which they shall be reported to the Senate; and any amendments made in Committee of the Whole shall again be considered by the Senate, after which further amendments may be proposed"; and by striking from paragraph No. 2 the following: "and when again considered by the Senate it shall be as in Committee of the Whole"; so as to make said paragraph No. 2 read:

"2. When a bill or resolution shall have been ordered to be read a third time, it shall not be in order to propose amendments, unless by unanimous consent, but it shall be in order at any time before the passage of any bill or resolution to move its commitment; and when the bill or resolution shall again be reported from the committee it shall be placed on the calendar."

*Resolved further*, That paragraph No. 1 of Rule XIII of the Standing Rules of the Senate be, and it is hereby, amended as follows:

In line 2 of said paragraph, strike out the words "voting with the prevailing side."

In line 4 of said paragraph, after the word "reconsideration," insert the following:

"*Provided*, That no motion to reconsider a vote on an amendment to a bill or joint resolution shall be taken up for consideration until all other amendments have been offered and disposed of, and immediately prior to the question of the engrossment of the bill, joint resolution, or amendments; and such motions shall be considered in the order of time at which they were entered: *Provided further*, That no motion to lay such a motion to reconsider on the table shall be in order prior to the time such motion is taken up for consideration."

In line 4 of said paragraph, strike out the semicolon and the words "and if" and insert in lieu thereof the word "If."

In line 5 of said paragraph, after the word "reconsider," insert the words "any motion."

So as to make the said paragraph read:

"1. When a question has been decided by the Senate, any Senator may, on the same day or on either of the next two days of actual session thereafter, move a reconsideration: *Provided*, That no motion to reconsider a vote on an amendment to a bill or joint resolution shall be taken up for consideration until all other amendments have been offered and disposed of, and immediately prior to the question of the engrossment of the bill, joint resolution, or amendments; and such motions shall be considered in the order of time at which they were entered: *Provided further*, That no motion to lay such a motion to reconsider on the table shall be in order prior to the time such motion is taken up for

consideration. If the Senate shall refuse to reconsider any motion, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent. Every motion to reconsider shall be decided by a majority vote, and may be laid on the table without affecting the question in reference to which the same is made, which shall be a final disposition of the motion."

The VICE PRESIDENT. The question is on the motion of the Senator from Virginia that the Senate proceed to the consideration of the resolution.

Mr. JONES. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Washington will state his parliamentary inquiry.

Mr. JONES. I desire to know when the notice required by the rules was given for the presentation of such a motion to amend the rules?

The VICE PRESIDENT. The resolution was submitted some time ago and was referred to the Committee on Rules for report.

Mr. JONES. Yes; but was notice given of the rule that was to be amended, and the amendment which was to be made to it as required by the rule of the Senate?

Mr. SWANSON. I offered the resolution and had it referred to the Committee on Rules.

Mr. JONES. I should like to know whether or not the rule has been complied with?

Mr. SWANSON. One afternoon I gave notice that I would submit such a resolution and have it referred to the committee for consideration, and that was done.

Mr. JONES. I do not think that is such a notice as is required by the rule or that it is in compliance with the rule. The rule requires that the notice shall specify the rule which it is proposed to amend and the amendment which is suggested, and that then the notice shall lie over for a day.

The VICE PRESIDENT. Does the Senator from Washington make a point of order?

Mr. JONES. I make the point of order that the rule has not been complied with.

The VICE PRESIDENT. Following the precedents and the decisions of Vice Presidents Morton and Stevenson, the point of order is overruled.

Mr. JONES. Mr. President, I should like to have the RECORD show the notice that was given. I remember of no notice being given to amend the various rules of the Senate which the resolution proposes to amend.

Mr. McNARY. Mr. President, may I suggest at this point that, if there is such a weakness, the point may well be met if the Senator from Virginia will give notice now? I desire to move adjournment and to have a morning hour to-morrow, at which time the Senator from Virginia will be in position to restate his proposal.

Mr. SWANSON. I understand the Chair has overruled the point of order; but I do now give notice of the introduction of this resolution, and I shall move to-morrow to proceed to its consideration. The Senate, I understand, is now about to adjourn.

Mr. JONES. The Senator has given, as I understand, notice of a proposal to amend the rules.

Mr. SWANSON. I give this notice, and let the resolution stay where it is.

Mr. JONES. Mr. President, as I understand, the Senator is now giving notice of his intention to move to amend the rules?

Mr. SWANSON. The notice has already been given. I gave notice here one afternoon some time ago that I would introduce such a resolution; it was introduced two or three days after I had given such notice, and it was referred to the Committee on Rules.

Mr. JONES. I want to find out what that notice was. The rule requires a certain notice to be given, and the RECORD should show what that notice was. That is what I want to ascertain.

Mr. SWANSON. I gave notice that I would introduce the resolution, and the resolution was introduced and referred.

Mr. JONES. It is required that notice shall be given in writing, and that should appear in the RECORD.

Mr. GLASS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Virginia will state his parliamentary inquiry.

Mr. GLASS. Has the Chair overruled the point of order?

The VICE PRESIDENT. The Chair has overruled the point of order.

Mr. JONES. I think the Chair probably did not apprehend the facts of the situation. That is what I want to ascertain—what are the facts. If the notice was given, as the rule requires, in writing, specifying the rule to be amended and the amendment to be made, of course I make no objection. This, however, is what the rule provides:



No motion to suspend, modify, or amend any rule or any part thereof shall be in order, except on one day's notice in writing, specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof.

I want to know whether or not that provision of the rule has been complied with?

Mr. WALSH of Montana. Mr. President, I should like to inquire whether the resolution itself is not a full compliance with the requirements of the rule?

Mr. JONES. If the Senator proposed it to-day and then asked to take it up to-morrow, I suppose it would be, but there has got to be one day's notice in writing.

Mr. WALSH of Montana. But he did not propose the resolution to-day; he proposed it on March 8.

Mr. JONES. Yes; but did he give notice of his proposal? That is what the rule requires.

Mr. WALSH of Montana. This is the notice of the resolution:

That hereafter bills and joint resolutions shall not be considered—

And so forth.

Mr. JONES. I can not think that that is a compliance with the rule of the Senate. If it were, a Senator could introduce an amendment to the rules on one day, call it up the next day, and say that notice had been given.

Mr. SWANSON. Mr. President, no point of order can be made that the resolution has not gone over one day, for the resolution has gone over for six weeks and more.

Mr. JONES. I should like to know what notice, according to the rules, has been given of the intention to propose this amendment to the rules.

The VICE PRESIDENT. The Chair will state that on March 8 (p. 5216 of the CONGRESSIONAL RECORD) Senate Resolution 227 was by unanimous consent submitted by the Senator from Virginia and referred to the Committee on Rules.

The Chair is advised that it has been decided by Vice Presidents Morton and Stevenson that when a resolution of this kind is introduced by unanimous consent, as this resolution was, that is a substantial compliance with the rule. So the Chair held, and still holds, that the point of order is not well taken in this instance.

Mr. SWANSON. I move that the Senate proceed to the consideration of the resolution.

Mr. McNARY. I move that the Senate adjourn until 12 o'clock to-morrow.

Mr. SWANSON. Will not the Senator allow us to have a vote on my motion?

The VICE PRESIDENT. The Senator from Virginia has the floor.

Mr. SWANSON. I renew my request that the Senate proceed to the consideration of Senate Resolution 227.

The VICE PRESIDENT. The question is on the motion of the Senator from Virginia.

Mr. JONES. The motion is debatable, Mr. President, as I understand?

The VICE PRESIDENT. It is debatable.

Mr. JONES. I understand the Senator from Oregon desires to move an adjournment.

#### ADJOURNMENT

Mr. McNARY. I renew my motion that the Senate adjourn until 12 o'clock to-morrow.

The motion was agreed to; and (at 4 o'clock and 28 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 15, 1930, at 12 o'clock-meridian.

#### NOMINATION

*Executive nomination received by the Senate May 14 (legislative day of May 13), 1930*

Alfred A. Wheat, of New York, to be chief justice of the Supreme Court of the District of Columbia, to succeed Walter I. McCoy, resigned.

### HOUSE OF REPRESENTATIVES

WEDNESDAY, May 14, 1930

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore [Mr. TILSON].

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

In the name of Him who ministered to the needy and hungry may we champion the cause of the poor, and even that of the little children. Quicken our moral vision, our intellectual perception, and our emotional discernment. Moving as we are

amid the changing circumstances of men, may our influence be irresistible and unbroken by Thy guidance. Open our souls to the infinite. In our impoverishment lead us toward that shining peak of a towering aspiration where we can count all things to be loss for the excellency of the goodness of God. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 10171. An act providing for the erection at Clinton, Sampson County, N. C., of a monument in commemoration of William Rufus King, former Vice President of the United States.

The message also announced that the Senate had passed with an amendment, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 26. An act for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 51. An act to amend subdivision (c) of section 4 of the immigration act of 1924, as amended.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 476) entitled "An act granting pensions and increase of pensions to certain soldiers, sailors, and nurses of the war with Spain, the Philippine insurrection, or the China relief expedition, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ROBINSON of Indiana, Mr. NORBECK, and Mr. WHEELER to be the conferees on the part of the Senate.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. OLIVER of New York. Mr. Speaker, I ask unanimous consent that on Friday morning, after the disposal of business on the Speaker's table, I may address the House for five minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

#### PENSIONS

Mr. KNUTSON. Mr. Speaker, I submit a conference report on the bill H. R. 9323 for printing under the rule.

The SPEAKER pro tempore. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 9323) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and the widows of such soldiers and sailors.

#### PERISHABLE AGRICULTURAL COMMODITIES ACT

The SPEAKER pro tempore. This is Calendar Wednesday. The Clerk will call the committees.

The Clerk called the Committee on Agriculture.

Mr. HAUGEN. Mr. Speaker, I call up the bill (S. 108) to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

A bill (S. 108) to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce.

The SPEAKER pro tempore. This bill is on the Union Calendar. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for its further consideration. The gentleman from Montana [Mr. LEAVITT] will please take the chair.

Thereupon the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 108, with Mr. LEAVITT in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill S. 108, which the Clerk will report by title.

The Clerk read as follows:

A bill (S. 108) to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce.

Mr. PURNELL. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Indiana.

The Clerk read as follows:

Amendment offered by Mr. PURNELL: Page 17, line 10, after the word "character," strike out the words "live or dressed poultry, and eggs."

The CHAIRMAN. The Chair recognizes the gentleman from Indiana for five minutes.

Mr. PURNELL. Mr. Chairman, this is an important amendment, and I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. PURNELL. Mr. Chairman and ladies and gentlemen of the committee, before I proceed to discuss the amendment which I have offered, I wish to say a word about this bill. I sincerely hope the amendment which I have offered will be adopted, but if it is not adopted I still hope that the bill as reported to the House will be passed.

I wish to direct the attention of the committee to the fact in the beginning that this is a fruit and vegetable bill. The fruit and vegetable people of the country have devoted about nine years to the consideration of this measure. They are ready to accept it, and the Department of Agriculture, if the bill is passed, is prepared to receive it and to carry out its provisions.

There is necessity for this legislation, as it affects fruits and vegetables. That necessity was recognized by the President of the United States in the special message which he sent to the special session of Congress when the special session convened. I think it is pertinent at this time to direct the attention of the members of the committee to the message of the President which was transmitted at the beginning of the first session of the Seventy-first Congress, in which he said in the very outset:

I called this special session of Congress to redeem two pledges given in the last election—farm relief and limited changes in the tariff.

In compliance with those pledges we have passed the agricultural marketing act, and the tariff bill is, I hope, nearing completion. As part of the present farm program laid down at the very beginning of the special session which was called for the specific purposes expressed in the President's message, the President, among other things, made this very pertinent statement, which has a very direct bearing upon this bill and the amendment which I have offered. He said, among other things, that we should—

Provide for the licensing of the handlers of some perishable products so as to eliminate unfair practices.

Every penny of waste between the farmer and consumer that we can eliminate, whether it arises from methods of distribution or from hazard or speculation, will be a gain to both the farmer and the consumer.

While the President in his message did not specifically refer to fruits and vegetables, I think it is a matter of common understanding among all of us that what the President had in mind at the time was fruits and vegetables and not poultry and eggs.

Mr. ASWELL. Will the gentleman yield?

Mr. PURNELL. I yield.

Mr. ASWELL. Will the gentleman point out to the committee in what way this bill, as now presented, controlled, as it is, by commission men and frightening certain gentlemen into supporting it, directly conflicts with the agricultural marketing act and the Farm Board? It does, and the gentleman knows it.

Mr. PURNELL. I will have to say to my distinguished friend who has contributed so materially to the solution of the agricultural problem and the passage of the marketing act, that I do not regard this as being in conflict with the Federal Farm Board's program. I wish to direct the attention of my good friend, Mr. ASWELL, as well as other members of the committee, to the statement made by the chairman of the Federal Farm Board, concerning this particular bill which is before us.

Mr. ASWELL. Will the gentleman yield?

Mr. PURNELL. I yield.

Mr. ASWELL. The gentleman ought not to quote that when the chairman of the board says he did not read it before signing it, and that a subordinate wrote it.

Mr. PURNELL. Well, I disagree with the gentleman.

Mr. ASWELL. He says so.

Mr. PURNELL. The chairman of the Federal Farm Board, Mr. Legge, says:

The board is working toward the development of cooperative associations for the marketing and distribution of fruits and vegetables and other agricultural products. The bill provided primarily for the regulation of and the suppression of unfair practices among dealers handling such products in the terminal markets.

That is true. The board is engaged in the study of that problem and is interested in it.

He also says:

The elimination of unfair practices should enable cooperative associations handling perishable products to obtain greater returns for their members, and the proposed legislation—

Meaning this bill—

therefore, should supplement the work of the Federal Farm Board.

I wish to direct attention to that statement, signed by Mr. Legge himself, and call special attention to the significance of the words "should supplement."

That is exactly what it is proposed to do.

I wish to call attention to the fact, in this connection, that the Secretary of Agriculture, in sending to our committee a report on this bill, said, among other things, in indorsing it:

H. R. 5663 provides for the licensing of the commission merchants receiving fruits and vegetables of any kind in interstate or foreign commerce, brokers engaged in the business of negotiating sales and purchases of such commodities in such commerce, and dealers buying or selling other than at retail any such commodities in such commerce, including producers selling more than 10 carloads of such products of their own raising in any one year, and retailers buying such commodities in carload quantities or the equivalent thereof.

The department has given careful consideration to the bill and believes that the suppression of unfair practices and the reduction of losses in the marketing of fresh fruits and vegetables is desirable, and therefore indorses the general principles of the bill.

You will note the absence of any reference to poultry and eggs. In fact, there never was anything said by the Secretary of Agriculture at any time about including poultry and eggs. There never was a thing said by Mr. Legge about including poultry and eggs. There never was anything said in the Senate bill, which has already passed, about poultry and eggs. I repeat, this is a fruit and vegetable bill.

Mr. BURTNESS. Will the gentleman yield?

Mr. PURNELL. I yield.

Mr. BURTNESS. The gentleman referred to the letter of the Secretary of Agriculture. Will the gentleman please give the date of that letter, and indicate whether or not that letter was written before or after the Federal Farm Board was organized and was engaged in trying to find a solution of some of our farm problems?

Mr. PURNELL. The letter is dated January 20, 1930.

Mr. BURTNESS. Several months after the board was organized, and the Secretary of Agriculture is himself a member of the Federal Farm Board.

Mr. PURNELL. He is chairman ex officio of the board.

Mr. BURTNESS. Does not the gentleman think that the Secretary of Agriculture is as much interested in the final success of the Federal Farm Board as any member upon the Farm Board?

Mr. PURNELL. I not only think it but I believe I know that he is.

Mr. LINTHICUM. Will the gentleman yield?

Mr. PURNELL. I yield.

Mr. LINTHICUM. I have received a great many telegrams asking me to support the amendment offered by the gentleman from Indiana [Mr. PURNELL]. I do not know so very much about it, but I would like to ask the gentleman upon what basis were poultry and eggs included in the bill?

Mr. PURNELL. I do not think I violate any confidences of the committee when I say that it was just one of those things that went in one day without any consideration at all being given to it. I was not present when it was done. I think I further violate no confidences of the committee when I say that three-fourths of the members of the committee will vote here to-day to take it out of the bill. I speak my own views, however, and do not pretend to speak for any other member of the committee.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. PURNELL] has expired.

Mr. ASWELL. Mr. Chairman, I ask unanimous consent that the gentleman from Indiana be granted 10 additional minutes.

The CHAIRMAN. The gentleman from Louisiana [Mr. ASWELL] asks unanimous consent that the gentleman from Indiana [Mr. PURNELL] be granted 10 additional minutes. Is there objection?

There was no objection.



Mr. LINTHICUM. I am seeking information so as to vote correctly. Why does the gentleman claim it should not be in the bill?

Mr. PURNELL. Well, I will tell the gentleman why I think poultry and eggs should not be in the bill. In the first place, this is a fruit and vegetable bill, calculated to help that industry. They asked for it; they have been working about nine years to get it and they are prepared to receive it. If, for no other reason, I should oppose it because the poultry and egg people have had no opportunity whatever to be heard. They were given no opportunity; in fact, they were given to understand that they would not be included in it, and, as I say, it crept in rather unceremoniously.

Mr. BYRNS. Will the gentleman yield?

Mr. PURNELL. Yes.

Mr. BYRNS. Is not the very best reason the one the gentleman gave a while ago, that the committee gave it absolutely no consideration, and we ought not to pass legislation on a subject without consideration?

Mr. PURNELL. Certainly. The Department of Agriculture has not asked for it, and those directly affected have had no opportunity to be heard. Now, I want to suggest—

Mr. STAFFORD. We are to understand that the butter and egg men are against it?

Mr. PURNELL. The butter people are not included, and the poultry and egg people themselves—I am going to tell the gentleman and I hope he will give me his attention—say they are not interested in it.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. PURNELL. Yes.

Mr. COCHRAN of Missouri. I want to confirm what the gentleman said with regard to the fact that the poultry and egg people had no opportunity to be heard, and I have telegrams in which they say that if the committee wants to take up the question they will send a delegation from Missouri to be heard upon the question. They feel they are entitled to a hearing before the Congress takes action on a matter of this kind.

Mr. PURNELL. That is right. I do not say that at some future time I would not be in favor of including poultry and eggs; at some future time it may be proper to do it, but certainly this is not the time.

I want to call attention to one other very important situation. In the first place, we have no idea how many people will be licensed under the present bill. Responsible parties have testified before our committee that from 25,000 to 40,000 handlers of fruits and vegetables will be licensed under this bill. That is exclusive of poultry and eggs.

I want to submit to the committee that the licensing of some 40,000 dealers—and that is the number estimated—in fruits and vegetables, and the handling of complaints arising in connection with their business represents a tremendous job in itself. The Department of Agriculture should be given ample time to formulate the policies and procedure, which will be necessary to deal with the 40,000 dealers in fruits and vegetables alone.

Now, if poultry and eggs are included we are going to have to license probably 10,000 more dealers and the problem of administration will be multiplied just to that extent. As I said, I might at some future time be perfectly willing to include them. I want to do everything that will remove every vestige of unfair practices in dealing with any perishable or near perishable commodity, and there will be plenty of time to add poultry and eggs and other farm products when we see whether it will work for fruits and vegetables.

Mr. ASWELL. Will the gentleman yield?

Mr. PURNELL. Yes.

Mr. ASWELL. I want to ask the gentleman three questions. Must I ask them all at once?

Mr. PURNELL. We brought in a rule one time to consider three bills at once, so the gentleman might as well ask his three questions at once.

Mr. ASWELL. In the first place, the gentleman recalls that the committee voted down the amendment the gentleman has offered by an overwhelming majority, does he not?

Mr. PURNELL. Voted down the poultry and egg amendment?

Mr. ASWELL. The gentleman knows they tried to vote it out in the committee.

Mr. PURNELL. If we are going to discuss what happened in the committee, let me say that no gentleman who voted for it was willing to move to reconsider it.

Mr. ASWELL. I am not going to tell anything, but that amendment was offered and voted down.

Mr. PURNELL. You did not vote it down; poultry and eggs were merely voted in.

Mr. ASWELL. But you tried to take it out.

Mr. PURNELL. I was not there and did not vote. Therefore, I could not move to reconsider the vote.

Mr. ASWELL. But they did try to take it out in the committee.

Mr. PURNELL. There was no motion to take it out, because we had no opportunity to vote on the question. However, the gentleman knows that three-fourths of the committee are in favor of taking it out.

Mr. ASWELL. No; that is the chairman's amendment, and I am supporting the chairman. The gentleman remembers it developed in the hearings that this bill would necessitate the appointment of from 250 to 500 new Federal agents in this country? That was in the hearing.

Mr. PURNELL. I remember some such prediction.

Mr. ASWELL. The gentleman remembers it will cost an enormous amount of money to add those 250 to 500 Federal agents. Now, the main question I want to ask is: How does the gentleman know President Hoover meant fruit and vegetables and did not mean poultry and eggs? How does the gentleman get that information?

Mr. PURNELL. I have a right to guess at it, just as the gentleman has a right to assume he meant something else.

Mr. ASWELL. I thought the gentleman was guessing at it.

Mr. PURNELL. I read what the President said.

Mr. ASWELL. The gentleman states the fact that the Secretary of Agriculture did not mention poultry?

Mr. PURNELL. That is right.

Mr. ASWELL. That was because we did not ask anything about poultry.

Mr. PURNELL. Let me ask the gentleman a question. Does the gentleman think we should include an industry of the value of poultry and eggs in a bill of this importance without giving them an opportunity to be heard? I know the gentleman wants to be fair.

Mr. ASWELL. Is not the poultry business just as important as the other?

Mr. PURNELL. Well, the gentleman, in all fairness, should want to give them an opportunity to be heard before putting them in.

Mr. ASWELL. Then, send it back to the committee and give us a hearing on poultry and eggs.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. PURNELL. Yes; I yield.

Mr. OLIVER of Alabama. I was very much interested in the question asked by the gentleman from Louisiana, Doctor ASWELL, as to the number of extra employees this bill would require and what the probable cost thereof would be. I do not understand there is any effort made to coordinate this particular activity with other activities of the department, but you are providing for a large number of extra employees; is that correct?

Mr. PURNELL. I did not catch the gentleman's question.

Mr. OLIVER of Alabama. I wanted to know whether the gentleman considered that from 250 to 500 employees, as indicated by the gentleman from Louisiana, may be required to carry out what the gentleman says is a gigantic undertaking required of the Department of Agriculture by this bill.

Mr. PURNELL. I do not know how many employees will be required. I just stated that in the neighborhood of 40,000 dealers engaged in the fruit and vegetable business will be licensed under the bill, and the department will have to handle the complaints arising in connection with their business. I do not know how many employees will be necessary.

Mr. OLIVER of Alabama. Has the gentleman's attention been called to the fact that when this Congress first met it was suggested that we were going to reduce the number of employees on the Federal pay roll and that this would be done by coordinating the activities of the different departments, and yet we find there has not been a single employee eliminated from the pay roll but many added thereto, and this pending bill seeks to add from 250 to 500 more?

Mr. PURNELL. I do not know how many will be added. I have not gone into that question, and I can not vouch for the correctness of the figures at all; but I will say if it takes additional employees to do what we have set out to do for America's greatest industry, agriculture, I would subscribe to it.

Mr. FULMER. Will the gentleman yield?

Mr. PURNELL. Yes.

Mr. FULMER. As a matter of fact, there will be no expense on the part of the Government because this will be paid out of the license fees paid by the various dealers who take out these licenses.

Mr. PURNELL. That is correct.

I want to say to you that eggs stand in sixth place and poultry in seventh place in gross income in the United States, and the farm value of poultry and eggs is officially estimated at \$1,150,000,000.

Mr. ASWELL. Will the gentleman yield?

Mr. PURNELL. I can not yield for a moment. Let me first finish this statement.

Mr. ASWELL. I will get the gentleman more time.

Mr. PURNELL. Very well, I yield to the gentleman.

Mr. ASWELL. The gentleman has very eloquently described the activity in favor of this bill for nine years. Now, will the gentleman tell the committee why the commission men all at once, after having fought the bill for eight years, turn around now and support it?

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. ASWELL. Mr. Chairman, I ask unanimous consent that the gentleman may have 15 minutes more to answer this one question.

Mr. PURNELL. With the understanding the gentleman will let me also address myself to my amendment.

Mr. ASWELL. If you will answer that question as to why these commission men who opposed this bill before our committee repeatedly, as the gentleman knows, after the Farm Board was established, turned around and supported it.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent that the gentleman from Indiana may have 15 additional minutes. Is there objection?

There was no objection.

Mr. ASWELL. Now, will the gentleman answer the question?

Mr. PURNELL. I would say it is because they thought they might work this thing out themselves, and that is exactly what the poultry and egg people have done and are doing.

I want to call the gentleman's attention to the fact that while you are attempting to put poultry and eggs under the provisions of this bill, poultry and eggs do not stand on the same basis as fruits and vegetables at all. They have their exchanges through which they operate. Fruits and vegetables move in commerce under certain Government standards and grades. Uniform standards and classes for poultry have not yet been worked out.

I also want to remind the gentleman that we are trying to help the individual producer here. The country producer is not interested in the provisions of this bill as far as poultry and eggs are concerned. I do not know how many of you are familiar with the practice, but the country collector of eggs and poultry buys them from the producer and pays the producer cash. The country shipper then concentrates them in carload lots and moves them to his distributive outlets in the great consuming centers or else sells to a car-lot receiver on the large terminal markets. For the most part these are cash or contract transactions.

Another point I want to suggest is that all of the larger markets have poultry and egg exchanges. These exchanges operate under "exchange" standards and grades and under definite rules and regulations with which the members must comply or suffer certain penalties. Where controversies arise in the course of business they are disposed of through schemes of arbitration which are enforced by the exchanges, so that any abuses which the legislation seeks to correct are already cared for quite satisfactorily by the trade itself. Therefore it would seem that under these conditions the legislation can be looked upon more as an undue governmental interference with private business than anything else. And yet, notwithstanding this suggestion, I say to you that if, after the department has an opportunity to try this out on fruits and vegetables there seems to be a demand also to include poultry and eggs, I shall gladly support such a measure.

If we are going to have 40,000 dealers in fruits and vegetables licensed and innumerable complaints coming into the department by reason thereof, it seems to me this is sufficient load to put on the shoulders of those who will be charged with the enforcement of this law without adding an additional burden, particularly since the additional burden is not asked for by the trade itself. No producer has appeared before our committee and suggested that in the interests of the poultry and egg business of the country we ought to incorporate poultry and eggs in this bill.

And certainly in fairness to the industry, which is one of the largest in this country, the least we can do is to give them an opportunity to come in and be heard.

Mr. MORGAN. Do they object to it?

Mr. PURNELL. Oh, of course they object. I think it is unjust and unfair that they should be included in it, and I sincerely hope that the amendment I have offered will be agreed to.

Mr. LINTHICUM. Will the gentleman yield? I propose to support the amendment of the gentleman, because he knows more about it than I do; but I want to ask the gentleman how

is it that in this country the egg producers do not mark their eggs like they do in other countries, so that the purchaser can know whether they are ancient or modern? Why do they not mark them as they do in France, Germany, and other countries?

Mr. PURNELL. Well, it is not very hard to choose between a fresh egg and a bad one. Mr. Chairman, I yield back the balance of my time.

Mr. GLOVER. Mr. Chairman, I rise in opposition to the amendment. Mr. Chairman, ladies and gentlemen, I am sorry, indeed, to see those who ought to be friends of agriculture come in with another amendment that will cripple, if not destroy, this good bill. This bill ought to pass this House without a dissenting vote as it was read to the committee. We had offered the other day an amendment that would do it violence, and we voted that down, and I am glad we did.

The amendment that is now offered is just as detrimental to agriculture as that one would have been. This provision for poultry and eggs is one that will help agriculture. It will take care of the products of agriculture.

In my country, in the Southland, we are shipping in carload lots. They are shipped by poultry clubs that are organized for the advancement of agriculture. I would like to have some protection when we ship to commission merchants and dealers.

I am surprised that any man who voted for the agricultural marketing act would stand up here and tell this body that this bill is not in accordance with the principles of that bill. It will aid the marketing agricultural act. I am going out when I leave here to defend that act before the public from the assaults made upon it now by its enemies.

Those who deal in these perishable commodities want to get them to the market quickly, and I say that this bill ought to pass. We ship them in here to men engaged in the business of selling for us, and we ought to have the protection that is provided for in this bill.

I am surprised that any man would stand up and argue that it is going to cost the Government anything. When you get a \$10 license fee it will not cost the Government one penny more than it will bring in.

Suppose it is true that it would license 40,000 people, that is \$10 apiece, and that would be \$400,000. There is no argument in the assertion that it would cost the Government anything at all.

The argument was made a while ago that the dealers who might be affected by this were not consulted at the hearing. They did not need any hearing. You are dealing with somebody that is dealing with your constituents. You are the representatives on the floor of this House of your constituents, and you are looked to to defend them against amendments of this kind. They are accustomed back home to look to you on the floor of this House to defend them against anything that will be to their detriment.

Mr. PURNELL. Will the gentleman yield?

Mr. GLOVER. Yes.

Mr. PURNELL. I want to ask the gentleman if in all fairness he thinks that an industry which represents the value of \$1,150,000,000 a year ought to be overnight, as you might say, incorporated into the provisions of an important bill without an opportunity on their part to be heard, or a request coming from a single producer?

Mr. GLOVER. You had all those facts before you when this bill was written. They had an opportunity to get in there if they wanted to. If the gentleman wanted them in there, why did not he have them?

Mr. PURNELL. But I did not want them in.

Mr. GLOVER. No; and the gentleman ought to step up here and fight to have this kept in if he is a friend of agriculture, and not to put it out.

Mr. HARE. Mr. Chairman, this amendment may be considered from two angles. If the amendment has for its purpose the repealing of existing law, then I am opposed to it, but if it does not, then I would consider it from an entirely different viewpoint. I shall endeavor to explain, in a very brief way, what it means with reference to the existing law. The present law provides that after June 30, 1927—

Any person, firm, association, or corporation receiving any fruits, vegetables, melons, dairy or poultry products, or any perishable farm product of any kind or character \* \* \* and who, without good and sufficient cause, shall destroy, abandon, discard as refuse, or dump any produce \* \* \* shall be subject to a fine not exceeding \$3,000 or imprisonment for one year, or both, within the discretion of the court.

You will see that under existing law poultry and eggs are included, but the proposed amendment proposes to exclude them.

Mr. ANDRESEN. Does the gentleman think that the criminal statute will be repealed because of this bill?



Mr. HARE. My impression is that the fundamental reason behind this proposed act is to repeal the operations of existing law.

Mr. ANDRESEN. I think the gentleman is mistaken.

Mr. HARE. If I can be relieved of my impression, then I would look at this bill from an entirely different angle. If there is no intention to repeal the existing law, I am unable to see why the abuses referred to here are not all taken care of. Show me an instance where a man can destroy, dump, or make a false report under the proposed law that is not covered by the penalties under existing law.

Mr. PURNELL. The gentleman is now addressing himself to the bill generally, rather than to the amendment that I offered, to strike out poultry and eggs.

Mr. HARE. Yes.

Mr. SUMMERS of Washington. Mr. Chairman, will the gentleman yield?

Mr. HARE. Yes.

Mr. SUMMERS of Washington. On page 32, line 23, of the bill, the following language is found:

This act shall not abrogate or nullify any other statute, whether State or Federal, dealing with the same subjects as this act—

And so forth.

That certainly ought to be a complete answer to the gentleman's inquiry. I do not see how it could be plainer.

Mr. HARE. I am very sorry that I was apparently not able to make myself clear last week, because I went into the matter in detail.

Mr. OLIVER of Alabama. Would the gentleman from Washington consent to enlarge that by using this language?—

Abrogate, nullify, or in any way modify any other act.

Mr. HARE. I can explain in a very few words why I think this will in effect be a repeal of existing law. You understand that the existing law has been interpreted to apply only to commission merchants.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. MOORE of Virginia. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HARE. As I was saying, the existing law has been interpreted to apply only to commission merchants, or a man who styles himself as a commission merchant. Therefore, a man who styles himself as a broker or a dealer can not, under the existing law, be subjected to its penalties for violating its provisions. If we pass this act—and as I have said I am not in the position of opposing the purpose of the law—then every commission merchant in the country will be permitted to carry on his same business under the name and terms of a dealer or broker, and if he carries on his business under the style and name of a dealer or broker rather than commission merchant, then the only penalty that can attach to him, under the proposed law, would be to take away his license, and in effect that would repeal the law wherein it is made a criminal offense to defraud the shipper.

Mr. HOPE. He can do that whether this law is passed or not.

Mr. HARE. Sure.

Mr. HOPE. The passage of this bill is not going to cure this situation about which the gentleman complains.

Mr. HARE. But the point I make is that instead of passing a new law, the existing law should be amended so as to include the dealer and the broker and allow the penalty that applies to it attach to those fellows, and not abrogate the law by making the penalty simply the removal of his license. Under this proposed act the only penalty is a fine of \$500, simply because he does not get a license. In other words, if he fails to get a license from the Government he can be charged \$500, but if he defrauds a farmer out of \$5,000 the only thing you attempt to do is to take his license away from him.

Mr. SUMMERS of Washington. Mr. Chairman, will the gentleman yield?

Mr. HARE. Yes.

Mr. SUMMERS of Washington. I know my friend wants to be perfectly fair in regard to this. Let me read from the bill, on page 17, line 11:

The term "commission merchant" means any person engaged in the business of receiving in interstate or foreign commerce any perishable agricultural commodity for sale on commission, or for or on behalf of another.

It does not make any difference what he calls himself. If he does these things, then he is a commission merchant, and

he would not exempt himself from the operation of that law or this law. This matter has been submitted to the Department of Agriculture and to their attorneys and to the attorneys of the drafting board, and it has been considered by the commissioners of agriculture all over the United States, and nobody has claimed that it is going to repeal or interfere with the other law. Let me read two lines that follow what I read a while ago, on page 32, line 25:

But it is intended that all such statutes shall remain in full force and effect, except in so far only as they are inconsistent herewith or repugnant hereto.

Mr. HARE. If the department would express a willingness to amend the existing law so as to include dealers and brokers I would feel that it was absolutely sincere in the position it takes, but the department has said that it is unwilling to have the existing law amended so as to include dealers and brokers, referred to in the paragraph which the gentleman from Washington has read.

Mr. OLIVER of Alabama. Mr. Chairman, will the gentleman yield?

Mr. HARE. Yes.

Mr. OLIVER of Alabama. I was interested in the comment made by the gentleman from Washington [Mr. SUMMERS] in reply to what seemed to be a very pertinent criticism of the bill by the gentleman from South Carolina. If a man failed to take out a license under this bill, he would have to pay a fine of \$500 and not more than \$25 for each day such default continues. I was wondering why, if the gentleman from Washington is interested in protecting the farmer, he makes no reference to the very pertinent criticism that the gentleman from South Carolina makes as to the difference in punishment for one act and for the other.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. MOORE of Virginia. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more. The gentleman has given us a very instructive discussion of the matter.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SUMMERS of Washington. Mr. Chairman, if I may have the attention of the gentleman from Alabama, I referred to the definition of a commission merchant to show that resorting to the trick of calling himself a "dealer" or "broker" in an effort to exempt himself from the operation of this proposed law, certainly could not exempt him from the operation of the other law. And I also call attention to the fact that this bill specifically states that it shall not abrogate the provisions of the other law. The penalty here is \$500 for the violation of this law and \$25 a day for each day the offense continues. I am willing to put the offender under two laws instead of only the one, which requires that the case be taken into court, where the farmer probably never gets a settlement for his product.

Mr. GLOVER. Mr. Chairman, will the gentleman yield?

Mr. HARE. Yes.

Mr. GLOVER. I call the gentleman's attention to section 3, the language of which reads as follows:

After the expiration of six months after the approval of this act no person shall at any time carry on the business of a commission merchant, dealer, or broker without a license valid and effective at such time. Any person who violates any provision of this subdivision shall be liable to a penalty of not more than \$500 for each offense and not more than \$25 for each day it continues, which shall accrue to the United States and may be recovered in a civil suit brought by the United States.

Notice, it says "any person who violates any provision of this subdivision."

Mr. HARE. Yes.

Now I want to call the attention of the committee to this fact, that you put a fine of \$500 on the man because he does not go to the Secretary of Agriculture and get a license, and, in addition, he is charged \$25 a day for operating without a license; but if he goes ahead and defrauds you out of \$1,000 you fine him nothing but merely take his license away from him. I want the same penalty to go into this law that is in the existing law; that is what I am fighting for.

Mr. GLOVER. This law provides that if he violates this provision he will be prosecuted under the existing law. It refers only to the question of getting a license.

Mr. HARE. But the question of his getting a license does not interfere with the farmer's interest. That only violates a regulation with respect to the Government or the Depart-

ment of Agriculture. But when the farmer is defrauded, you are saying in this bill that no fine is necessary.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. HARE. Yes.

Mr. MOORE of Virginia. The gentleman has some doubt as to how this bill, if enacted into law, will be construed by the courts even if full force and effect be given to the provision indicated by the gentleman from Washington [Mr. SUMMERS]. Do you not think it would be well to expressly provide in the bill that the act of 1927 shall remain in force in all particulars?

Mr. HARE. I certainly do.

Mr. MOORE of Virginia. Before he took the floor the gentleman said he proposed to offer an amendment and attach to this bill all the penalties prescribed in the act of 1927. Would the same result be reached by providing expressly that there shall be no repeal or modification by implication of the act of 1927?

Mr. HARE. You have this difficulty, if it is brought to the attention of the Secretary of Agriculture to execute these laws, that it would be left to the Secretary to determine whether or not he should take the license from the man or whether he would be subject to prosecution by the Department of Justice; yet I think the suggested amendment a good one.

The CHAIRMAN. The time of the gentleman from South Carolina has again expired.

Mr. SLOAN. Mr. Chairman and members of the committee, I am in favor of orderly marketing and I am in favor of orderly legislation. The fact that I am in favor of aiding the farmer my self-interest would indicate nothing else. But we must be just, whatever our power may be. Strong-arming in legislation in however just cause is unsafe and unwise.

I call your attention in support of this amendment to a fact of which, as Members of the House and as responsible legislators, we should take notice and heed. In the first place, the subject matter of this legislation, as it has been mooted and pending in Congress and before State and national conventions of the various agricultural organizations of the United States in the last 10 years, has included only two subjects—fruits and vegetables—those farm products most perishable and earliest to rot and decay.

Poultry and eggs have not been considered in public discussion, in the press, on the platform, generally speaking, and especially not in Congress. Legislation has been introduced by the author of this bill on three or four occasions in the last few years. Similar bills have been introduced in the Senate. A Senate bill was passed and it came over to the House. Hearings were held over there I am told. But whatever hearings there were up to within 60 days, or about that time, were confined to the perishable products of the farm, included in fruits and vegetables, and none other. Never was it mentioned that there was a desire on the part of the people interested in the poultry and egg business, from either the producers or the marketers, until the Senate bill came to the Committee on Agriculture in the House. Then, without any hearing, without any testimony being taken from any source, or any person, outside of what might have been discussed very briefly in the committee, there was then added to this really perishable property poultry and eggs, an entirely different class of farm products, perishable to an extent, but not perishable to the extent of fruits and vegetables. They were never so classified until it was engrafted on this Senate bill and was reported as an amendment in the House. While the Secretary of Agriculture and Chairman Legge have indorsed this bill, their indorsement was before poultry and eggs were included and no expression from either of them thereafter. Nor has any farm organization to my knowledge indorsed the bill after inclusion.

Now, let us see whom it will affect. It will affect, if you will notice, first, those men who are doing business as corporations, cooperatives, or individuals, below in point of volume the great packers. The packers were excepted from this bill. Why? Who are the leading competitors of the packers in the sale and delivery of poultry and eggs in this country?

It is the large creameries, the middle-size creameries, the small creameries, all either corporate or cooperative, who, as auxiliaries of their business, have been shipping to the great cities in the United States poultry and eggs. The competition then is between this class of producers and dealers and the packers, and the packers have been exempted.

Mr. MORGAN. Will the gentleman yield?

Mr. SLOAN. I yield.

Mr. MORGAN. The fact is that there is not any demand from the country for this legislation including poultry and eggs, is there?

Mr. SLOAN. I never heard of it.

Mr. MORGAN. The fact is that there is opposition to it, is there not?

Mr. SLOAN. There is opposition from every quarter of the country by the legitimate organizations who are doing a good honest business and serving their patrons and members who should not be included without having their day in court. They object to the laying of the heavy hand of this bill upon their business until they can have hearings.

The CHAIRMAN. The time of the gentleman from Nebraska [Mr. SLOAN] has expired.

Mr. PURNELL. Mr. Chairman, I ask unanimous consent that the gentleman from Nebraska [Mr. SLOAN] be permitted to continue for five additional minutes.

The CHAIRMAN. The gentleman from Indiana [Mr. PURNELL] asks unanimous consent that the gentleman from Nebraska [Mr. SLOAN] may proceed for five additional minutes. Is there objection?

There was no objection.

Mr. ARENTZ. Will the gentleman yield?

Mr. SLOAN. I yield.

Mr. ARENTZ. It seems to me there is a great deal of difference in the consideration that should be given to a carload of fruits and vegetables in the market and the consideration that should be given to a carload of poultry and eggs. In the latter case you can put the poultry and eggs in cold storage indefinitely. In the case of fruits and vegetables you have to consider them at once. If they come in and are not handled within a very short time, it is a loss to the shipper. I agree with the gentleman from Nebraska that under no circumstances should we include poultry and eggs, unless the legitimate dealers and handlers of that class of material want the item included in the bill. For that reason I am in favor of the amendment.

Mr. SLOAN. As I said before, the perishable products concerning which there has been discussion before Congress and the committees of Congress and the public, have been confined to fruits and vegetables, and those with degrees of perishability, and the methods of handling poultry and eggs are more uniformly effective than fruits and vegetables. Now, without any evidence, without any hearings, they add to fruits and vegetables an industry much larger than is involved in fruits and vegetables. The best figures I could obtain recently show that the poultry and egg business of this country, in recent years, amounts to from 10 to 50 per cent more than the business of fruits and vegetables.

Now, why should the strong hand of this Government be applied; simply because we are demanding farm relief? We are all for it, but some of us do not want to spoil it and make it so unpopular in legitimate business that opposition will multiply instead of being removed.

I do not know, and I will not say, but that in the course of time, as these matters are worked out, the poultry people may desire protection along this line. But if they do, let it be done as it has been done in all restrictive legislation that has been carried on in the last hundred years; that is, where the property or business of any great concern or class of concerns are threatened in any way they shall be given a hearing. The vilest criminal brought to the bar of justice is given his day in court.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. SLOAN. I yield.

Mr. OLIVER of Alabama. I was interested to know just how the effectiveness of the bill would be impaired if poultry and eggs were included?

Mr. SLOAN. It would simply place the bill right back where it has been for the last seven or eight years—or the different bills, and it would leave it confined to fruits and vegetables, and I think that the bill so confined ought to be passed.

Mr. OLIVER of Alabama. I do not think the gentleman understood my question. I understand the chairman of the committee has been very much interested in including poultry and eggs?

Mr. SLOAN. Yes.

Mr. OLIVER of Alabama. And others who represent districts where there are poultry and egg interests, are demanding that these products be included.

How would the efficiency of this bill, in so far as granting protection to vegetables, be interfered with by including eggs and poultry?

Mr. SLOAN. It would make larger work, so far as that is concerned, but we are not looking at the mere mechanics. We are considering as a matter of justice. With this amendment carried, I favor the bill.

Mr. OLIVER of Alabama. When we passed the farm bill we did not say we would legislate only in reference to one product. We included cotton, tobacco, wheat, and everything else, and it occurs to me that is simply an administrative matter that could be satisfactorily worked out.



Mr. SLOAN. I think it should be left out of the bill, just as I would think we should leave it out if we were going to place some great burden upon the cotton dealers of the South. Why, you gave hearings to the vegetable and fruit people, then took without notice poultry and eggs to get the bill through. [Applause.]

The CHAIRMAN. The time of the gentleman from Nebraska has again expired.

Mr. HAUGEN. Mr. Chairman, the gentleman stated that the packers had been exempted from the bill. It is true; they have. They are covered in the packer and stockyards act, a more drastic measure. Therefore they were not included in this measure.

The aim of this bill is to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities, fresh fruit, fresh vegetables, live or dressed poultry, and eggs. The gentleman has stated it would be injurious to the producers and not be helpful as farm relief. To protect them against unfair and fraudulent practices; that is what this bill provides for. According to the amendment adopted the other day we have made it dead certain now that the farmers come in under this bill. They are subject to a fine of \$500 if they do not take out a license, and if they do and are found guilty of violating the act, then the Secretary has the right to revoke or suspend their licenses. It is true the farmers, if they sell their own production, are exempted; but the farmers are not selling individually. They are members of cooperatives. The amendment finally adopted exempts them if they are organized under the Capper-Volstead Act, but that is only a small number of the farmers. The largest number of farmers are in cooperative organizations not covered under the Capper-Volstead Act. Therefore they are to be licensed, and if they fail to take out a license the fine is not to exceed \$500, but if the license is revoked the penalty is not more than \$25 a day. That is what the bill will do to the farmer in the way of farm relief.

What is the proposition before us? It is to exempt what? Poultry and eggs. They are to be given a clean bill of health. They may go on with their unfair practices. Their practices in the past are known to everybody, and anyone who has no knowledge of it has little knowledge of the marketing of poultry and eggs. The practice got so distasteful only a few years ago that very few in my section of the country would dare ship a case of eggs. There were too many checks protested, and some of them got no checks and no pay, and some were requested to send a check to pay the freight. This was called to the attention of the committee, and the committee gave it consideration about 10 years ago. We then amended the appropriation bill and gave the interested parties the right to appeal to the Secretary for a finding of facts, and to issue a certificate which should be considered prima facie evidence in court.

The poultry and eggs were the very first to be selected to receive consideration by the committee. After a year or two we added fruits and a number of other things. But dealers in these commodities were pointed out as the most dangerous of all, and probably engaging in more unfair and fraudulent practices than any others.

Mr. SLOAN. Will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. SLOAN. Is it not a fact that there have been hearings on this legislation relating to vegetables and fruit?

Mr. HAUGEN. Certainly. We have been at it about a year, I think.

Mr. SLOAN. Why was not that done for those who are interested in poultry and eggs, that being the major factor in this bill at this time?

Mr. HAUGEN. My friend, do you suppose anybody engaged in unfair and fraudulent practices would appear before the committee in opposition to a measure of this kind? No opposition was raised in the committee but we now have telegrams, letters protesting, and appeals made to Members of Congress.

Mr. SLOAN. Did you give them any opportunity to be heard? That is the test.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. OLIVER of Alabama. Would the retention of eggs and poultry in this bill in any way impair the effectiveness of the legislation with reference to the other products?

Mr. HAUGEN. Certainly not. The proposition as it came before the committee was to include perishable products. It seems to me that Congress should take a broader view than that.

If there are crooks—wherever they may be—get them. That is what we started out to do. Nobody was invited to appear before the committee, as far as I know. It was their privilege to appear before the committee. We should have been pleased to hear all interested parties and to give them consideration; but have they presented themselves before the committee? No!

Mr. ABERNETHY. Will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. ABERNETHY. Do I understand the gentleman thinks that eggs and poultry ought to stay in the bill?

Mr. HAUGEN. I certainly do, unless you want to discriminate against the farmers and the dealers in poultry and eggs. As I stated before, producers are included in the bill; they are in the bill; they are subject to the operation of the bill and they are subject to the \$500 penalty and to the revocation of their licenses. The proposition is to exempt dealers in poultry and eggs.

Mr. ABERNETHY. Who really wants them exempted? Is it the farmer or is it the commission man?

Mr. HAUGEN. The bill was reported out by the committee by unanimous consent with this provision in it. Now, the proposition is to strike it out of the bill.

Mr. ABERNETHY. Who really wants to strike it out?

Mr. HAUGEN. I do not know and I can not tell the gentleman. For my part, I do not want it stricken out, and it is now for the House to determine.

Mr. BYRNS. Will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. BYRNS. I do not suppose the question of eggs and poultry was considered in the Senate when the Senate passed the bill, and it seems to be in as a new proposition.

What I would like to know from the gentleman is what real, genuine consideration was given by the committee to the inclusion of this new language.

Mr. HAUGEN. We considered it from the beginning to the end. It was brought up at the very first over a year ago.

Mr. BYRNS. The statement has been made here that there was no consideration, or practically none, given to the question and no hearings upon it.

Mr. HAUGEN. It was one of the first things taken into consideration.

Mr. OLIVER of Alabama. If the gentleman will permit, the gentleman from Tennessee on Monday will show that he is willing to overlook the action of the Senate in reference to another matter and consider only a bill reported out by a House committee without any hearing, which I think is a similar case.

Mr. BYRNS. I do not know to what bill the gentleman refers.

Mr. HAUGEN. The committee has given this bill weeks of consideration, and, my friends, if you will compare this bill with the bill as it was introduced you will see there is hardly any resemblance, because it has been amended section after section, and much of the credit is due to the gentleman from Illinois [Mr. ATKINS], who has had experience with enforcement of this type of legislation in his State and has been of great help.

Mr. BYRNS. The gentleman can get plenty of time, and while I do not want to take up his time, yet I want to make myself understood. Here I am a member of another committee; I do not know anything particularly about this proposition except that I am in favor of the general proposition, but I like to feel that a committee as important as the gentleman's committee, and one as careful as the gentleman's committee, has gone into the facts with regard to the inclusion of these commission merchants or any other group of commission merchants before I vote for the bill; and I was struck by the statement made by another prominent member of the gentleman's committee to the effect that no real consideration was given to this question.

Mr. PURNELL. Will the gentleman yield to me inasmuch as I think the gentleman refers to my statement?

Mr. HAUGEN. Let me answer the gentlemen, one at a time. To my certain knowledge the Committee on Agriculture has given this problem consideration for 15 years.

Mr. PURNELL. Will the gentleman yield to me?

Mr. HAUGEN. Yes.

Mr. ASWELL. I want to ask the gentleman a question. Is it not a fact that we discussed poultry and eggs long before we did fruits and vegetables?

Mr. HAUGEN. Oh, years ago, and we have had it under consideration during all these years, and what is the use of investigating when we have knowledge of the matter? Everyone surely knows what the situation is.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. PURNELL. Mr. Chairman, I ask unanimous consent that the chairman of the committee may have 10 minutes more.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the gentleman from Iowa may proceed for

10 minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. JONES of Texas. Mr. Chairman, reserving the right to object, and I shall not object, does not the committee intend to finish up the argument on this question at the end of this period? We have some other bills that are important.

Mr. HAUGEN. I do not want to interfere with others. That is for the committee to determine.

Mr. JONES of Texas. But the whole day can be taken up on this bill if we let it drag along.

Mr. PURNELL. I hope the gentleman will move to close debate.

Mr. JONES of Texas. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto close in 30 minutes.

The CHAIRMAN. Does the gentleman from Iowa yield for that purpose?

Mr. JONES of Texas. Mr. Chairman, I am reserving the right to object.

The CHAIRMAN. The Chair put the question as to whether there was objection to the request of the gentleman from Indiana.

Mr. JONES of Texas. I was addressing the Chair at the time.

Mr. HAUGEN. I started out to make a statement and I would like to make it, but I have been interrupted with all these questions.

Mr. JONES of Texas. I have reserved the right to object, and while I am not going to object—

The CHAIRMAN. The Chair put the question as to whether or not there was objection and the gentleman did not object.

Mr. JONES of Texas. Mr. Chairman, I was addressing the Chair at the time.

The CHAIRMAN. The gentleman from Iowa is recognized for 10 additional minutes.

Mr. PURNELL. Will the chairman yield to me?

Mr. HAUGEN. Certainly.

Mr. PURNELL. I want to say that I yield to no Member of this House in my respect for the distinguished gentleman who presides over the Committee on Agriculture, and the gentleman would be the last Member in this House to misrepresent anything. Does the gentleman mean to leave the impression with the House that the Committee on Agriculture in considering this Senate bill, known as the Borah bill, dealing with fruits and vegetables, at any time during its deliberations on this bill considered poultry and eggs?

Mr. HAUGEN. Absolutely; we did.

Mr. PURNELL. Will the gentleman kindly tell me when it was?

Mr. HAUGEN. It could not have been adopted without consideration.

Mr. PURNELL. Is it not true, since we have brought up the subject of what happened in committee, that the very first time this matter was discussed was when the bill was being read in executive session for amendment, and that no one was heard for or against it?

Mr. HAUGEN. In executive session?

Mr. PURNELL. Yes.

Mr. HAUGEN. We had hearings on the bill.

Mr. ASWELL. Mr. Chairman, I make the point of order—

Mr. HAUGEN. Oh, it was discussed and gone over and over.

Mr. PURNELL. The gentleman is correct about having hearings on the bill, but not as it affects poultry and eggs.

Mr. HAUGEN. We have had the whole bill under consideration and poultry and eggs, including hay, was one of the first amendments considered and agreed to. Later on hay was stricken out.

Mr. ASWELL. Mr. Chairman, I make the point of order the gentleman is discussing matters that happened in executive session, and I insist upon the point of order.

The CHAIRMAN. The gentleman from Louisiana makes the point of order that discussion of the action within the committee is out of order.

Mr. ASWELL. And I insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order, and the gentleman will proceed in order.

Mr. PURNELL. Mr. Chairman, I think since the question has been raised in debate, the members of the committee are entitled to know whether or not we gave consideration to it.

Mr. ASWELL. I insist upon my point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Iowa has the floor and will proceed in order.

Mr. HAUGEN. I stated it was given consideration all along. It may be that the gentleman was not present at that time.

Mr. PURNELL. The gentleman states we gave consideration to poultry and eggs—

Mr. HAUGEN. Much of the time was devoted to a number of amendments suggested by the gentleman from Illinois.

Mr. PURNELL. I say that question was not considered until the bill was read in executive session for amendment.

Mr. HAUGEN. It was talked about when it was incorporated in the bill. The very first thing we did was that we agreed upon that amendment.

As I have stated, the bill includes the farmers' cooperative marketing associations. They will be classed as dealers, and as such are subject to penalties, and if their licenses are revoked they will be forced out of business or compelled to pay not more than \$25 per day.

This is not in line with legislation we have enacted heretofore.

Now, first we had an amendment to an appropriation bill giving the farmers the right to collective bargaining, exempting them from the antitrust law. Here they are put under this law imposing a fine of not to exceed \$500 in case they fail to take out a license, and if license is revoked a penalty of not more than \$25 for each day it continues. Here, by this amendment, it is proposed that these poultry and egg people shall be exempted from this act. That does not seem fair. Who are these gentlemen, and what are they here for?

We recall the experience of the Ohio farmers, who, together with bankers and merchants, met to discuss the price of milk. They were receiving 14 cents and were paying more than \$50 a ton for bran. Milk was retailed at 25 cents. Upon their return to their homes, they were called on the phone and requested to report to the sheriff. They requested that they be excused and agreed to report in the morning. They were advised that their request would be given consideration, but at 3 o'clock in the morning the sheriff knocked at the door, got them out of bed, and lodged them in jail and kept them there until 11 o'clock, denying them their right to give bond.

You recall that on the 30th of November, 1927, the Federated Agricultural Trades of America was organized at Chicago, with W. F. Jensen, president, and Harrison F. Jones, as secretary, who, by the way, is secretary of the National Poultry, Butter & Egg Association. For what purpose? Just as Mr. Jensen stated at the organization meeting, as follows:

The issue now is that of cooperative marketing, not in a small way but on a national scale, and in the big terminal markets for the purpose of establishing producer control of value.

Any person, firm, corporation, or association believing in the purposes of the federation can become a member. The amount of the dues varies with the size of the organization becoming a member, but ranges nominally from \$50 to \$100 per year for business concerns. Fees for trade associations taking out membership probably would be on a higher basis.

Recently it was stated in a telegram that—

The federation expects soon to have 50,000 members.

Fifty thousand members soon, at the lowest fee—\$50—would mean \$2,500,000.

I repeat, "The issue now is that of cooperative marketing not in a small way but on a national scale." Hence not only to destroy cooperative marketing already established but to defeat legislation to promote cooperative marketing on a national scale, as provided in the McNary-Haugen bill.

Secretary of Agriculture Jardine, in his letter of March 22, 1928, to United States Senator Gooding regarding the agricultural trades conference held at the Palmer House in Chicago November 30, 1927, called by W. F. Jensen, states:

I have a number of reports on this meeting, and I am fairly familiar with its deliberations. \* \* \* Apparently nearly all the speeches delivered at this meeting were distinctly hostile to cooperative marketing.

Professor Potter, head of the animal husbandry department of the Oregon State Agricultural College, who was present at all sessions of the Chicago meeting, in a letter to Senator McNARY, states:

\* \* \* War was declared on cooperative farm marketing \* \* \* and we are determined to fight it to the last ditch. They were particularly alarmed at the national scope of some of our cooperative organizations. There was much bitterness against the whole cooperative movement. The avowed objective of the organization was to oppose by every means possible, all Federal, State, and county aid to agricultural cooperation. A permanent organization was formed and plans laid for the raising of a large sum of money. This money was to be used—

(1) To oppose all legislation designed to aid the formation of agricultural cooperatives;

(2) To have declared unconstitutional, wherever possible, present cooperative laws; and



(3) To stop propaganda in favor of agricultural cooperation on the part of the United States Department of Agriculture, State agricultural colleges, and county agents.

Is it not fair to assume that they are going to embarrass the farmers in every way that they can? Can you go home and tell your constituents that you looked after their interests when they are to be fined \$500 for violation and that the Secretary may revoke their license, and make them pay \$25 a day? You can not say to these that you are regulating them and letting the poultry and egg dealers go scot-free.

Mr. GLOVER. Will the gentleman yield?

Mr. HAUGEN. I yield.

Mr. GLOVER. This bill is aimed against fraudulent practices: I would like to know why any man engaged in fraudulent practices would want a hearing?

Mr. HAUGEN. I think that question answers itself. They did not appear before the committee.

Mr. SLOAN. Will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. SLOAN. There are many great firms of business men handling these articles who have their agents in every great city in the United States, and every one of them is placed under this legislative burden. It seems to me that the gentleman is a little free in characterizing these people who have been doing a reputable business as crooks.

Mr. GLOVER. This bill would not touch them; it would not touch a man unless he is engaged in unfair and fraudulent practices; and if he is, it ought to touch him.

Mr. SLOAN. Every reputable organization would be put under the burden, and if he is his business would be handicapped and hobbled.

Mr. HAUGEN. Now, Mr. Chairman, I want to say in conclusion that there are people engaged in unfair and fraudulent practices. There are also some high-minded and excellent men, honorable men, in the business. They have no objection to the bill. Those who conduct a fair and honorable business do not object to the bill. But the people engaged in these practices, of course, did not appear. They worked on the outside; they have been sending telegrams and writing to Members; they did not appear before the committee in the hearings on any bill that we had up for consideration.

Mr. Chairman, I ask unanimous consent that all debate on this amendment be closed in 20 minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that all debate on this amendment be closed in 20 minutes. Is there objection?

There was no objection.

Mr. GARBER of Virginia. Mr. Chairman, I rise in opposition to the amendment. It seems to me, gentlemen, that we have not yet had any sound reason for the elimination of these articles from the bill.

First, I want to address myself to the remarks of the gentleman from Nebraska. His argument was first of all that proper hearings were not given to the public. I submit that it is entirely within the prerogative of every committee and every member of the committee to submit legislation here regardless of any pressure from without. Therefore, it does not go to the merits of the amendment simply to say that public hearings were not held on this particular provision that includes poultry and eggs. I think this is neither the time nor the place to discuss what happened in the committee, further than to say in defense of the chairman of the committee that this matter was brought up repeatedly. I do not say that extensive hearings were had on it. The advisability of including in the bill these items was discussed a number of times. I pass that point now, except to go back to emphasize that the committee acted absolutely within its rights and prerogatives as representing the interests of their constituents, the different members of a committee should certainly be permitted to initiate legislation to help their people, even if no pressure is brought to bear upon them from without.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. GARBER of Virginia. Yes.

Mr. SLOAN. Can the gentleman point to any legislation going through this House in the last hundred years where large industries of the United States were affected, where hearings were not granted those interests by the committee? I challenge him to mention one. He says the committee has the power. Yes; the lion can use the lion's power, but he does not usually profit by it.

Mr. GARBER of Virginia. I go a step farther and say that a Member not only has the power, but it becomes his duty to suggest legislation which will benefit the public.

Mr. SLOAN. Then it has never been exercised.

Mr. GARBER of Virginia. I pass to another point, and that is this. What caused poultry and eggs to be introduced into

this bill? We have in the United States a limited number of people engaged in the production of fruit and vegetables. I happen to be interested in the growing of fruit and have no personal interest in poultry; but it should be remembered that in this country poultry and eggs aggregate the tremendous amount of \$1,150,000,000 a year.

Where only a limited number are engaged in the production of perishable fruits and vegetables, practically every farmer in the United States is engaged in the production of poultry and eggs. In a general way the same conditions obtain with reference to poultry and eggs as to fruits and vegetables, because poultry and eggs have the same perishable quality as fruits and vegetables, though not identical; and if you can effect legislation here that will touch practically every farmer in the country, practically 100 per cent of our farmers, then it is indeed very important that that provision should stay in the bill, so that the farmer may have the benefit of it in the broadest possible way.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. GARBER of Virginia. Yes.

Mr. MOORE of Virginia. The gentleman's own district is one of the most important districts in the matter of the production of poultry and eggs in this country, is it not?

Mr. GARBER of Virginia. The Shenandoah Valley, in which a large portion of my district lies, produces a larger amount of poultry and eggs probably than any other district represented in this Congress. It is also the third largest fruit-growing section in the United States; and my desire is to protect poultry and eggs as well as fruit. The point is raised that the producer at home is not favoring the inclusion of poultry and eggs in this bill. I say, of my own personal knowledge, that in my own district there are hundreds of large producers of poultry and eggs who are tremendously interested in this provision of the bill. Why did they not appear before the committee? Simply because the farmers are not organized and can not appear before a committee at a moment's notice like some of the large organizations that are making themselves heard at this time. It becomes our duty, therefore, to represent those who can not appear here in person to impress their interests upon Congress. I favor the bill because it will greatly benefit a large group of fruit and vegetable growers. I oppose the amendment that would eliminate poultry and eggs because it would deny a great benefit to a still larger group of farmers who do not produce fruit and vegetables commercially but who do produce for market poultry and eggs.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. ADKINS. Mr. Chairman, this provision in the bill came along and was incorporated in it, although nobody appeared before the committee from the outside advocating it. It was talked at different times by members of the committee. However, we do know this, that legislation regulating commission merchants covers poultry and eggs just the same as it does fruits and vegetables. If there is any excuse for a law regulating commission merchants, it should be for the sale of poultry and eggs as well as for the sale of fruits and vegetables. When we put the law on the statute books in Illinois, the big part of the argument came from the producers of poultry and eggs, because they had been shipping in to irresponsible commission merchants and had been done out of the price of their commodity. We talk about uniform legislation. As far as our people are concerned, we have a law in Illinois that takes care of the matter. The same agency in many cases that handles the fruit handles poultry and eggs, and the same law regulates them. This came along and was put in the bill in conformity with every other commission merchant law in the various States that I know of. Of course, it occurs to me that the States could well take care of this proposition themselves, and I was not particularly enthusiastic about putting another \$10 and another penalty on the commission merchants of Illinois; but as I stated yesterday, people in other parts of the country are complaining about it, where they do not have any State law, and I said that I would go along with the law if they would write it so that I could be for it, which they did. The fellow who is most interested, the fellow who is being done out of his profit is the producer back in the country, who is sending his produce to somebody in the city to sell for him. Since hard times have come, the poultry business in our part of the country has increased very much, and the farmers have turned their attention more to poultry than ever before. If there is any reason for regulating an unscrupulous merchant who handles your apples, the same reason exists for regulating him when he handles your poultry and eggs. As far as I am concerned, I am opposed to this amendment.

Mr. SLOAN. As I understand it, this applies to dealers as well as to commission merchants and brokers.

Mr. ADKINS. Yes; and I will tell you why it applies to the dealer. The commission merchant has turned dealer in many cases. He goes and buys your stuff in the country, f. o. b. cars, and gets you to ship it in, and then he takes his discount off you. That is why he is designated as a dealer; otherwise you might as well pass no law. They say to you, "Mr. SLOAN, we will buy your poultry and your fruits and eggs and vegetables, f. o. b. cars," and you send it in to them, and you are about a thousand miles away, and then they say that it is not what he thought he was buying or what he bought, and that is the only excuse, I say, for a law of this kind.

Mr. PURNELL. The gentleman does not undertake to say that that evil exists to any appreciable extent in the business?

Mr. ADKINS. Oh, yes. Poultry producers furnished about the same per cent of testimony when we passed the law in Illinois as did the fruit men.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SNOW. Mr. Chairman and members of the committee, I rise in support of the amendment offered by the gentleman from Indiana [Mr. PURNELL].

In the first place, I would like to make an observation or two regarding the remarks made 15 or 20 minutes ago by the gentleman from Arkansas [Mr. GLOVER]. He is entitled to his opinion on this amendment, so are other Members of the House, and so am I. The only inference, however, that can be drawn from his remarks is that in case any Member has the audacity and temerity to stand up here and support the Purnell amendment, that Member is not a friend of the farmer and is not interested in agriculture. Since when was the gentleman from Arkansas commissioned to represent agriculture in this House and act as its spokesman? Let me say to him that there are many of us here who are just as sincerely interested in agriculture as he ever dared to be; that his remarks were unfair, dogmatic, and unjust; and that he ought to be ashamed of himself for uttering such insinuations and innuendoes on the floor of this House. [Applause.]

I have the honor to be a member of this Committee on Agriculture and am vitally interested in this so-called Summers bill. I come from a district which is just as much interested in this legislation as is any other district represented here in Congress. It took the dealers and commission fruit and vegetable men 10 years to get together and agree upon the Summers bill. I do not know whether the poultry and egg men would be able to agree upon any bill at this time as they have been given absolutely no opportunity, and have not as yet asked for any legislation. I would be for this bill as it stands, with eggs and poultry included, if I felt that the time was ripe to include those products in this bill, and would be one of the first here to vote for it. My theory is—and I am honest in entertaining it—that if you begin to overload this original bill and weight it down the only result will be that when it reaches the Senate such opposition will be engendered by the insertion of eggs and poultry that the bill will die there and the farmer producing fruit and vegetables will be left still holding the bag. The Borah bill is very much like the Summers bill, and when the former bill was passed by the Senate eggs and poultry were not included.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. SNOW. Yes; with pleasure.

Mr. ABERNETHY. I am very much interested in the gentleman's argument, and I can see some force in it. But I was just wondering if there was any reason for the amendment outside of the fact that it would endanger the bill if we should include eggs and poultry—any reason outside of those reasons that have been named here?

Mr. SNOW. In answer I will say that in my humble opinion the time is not ripe for the inclusion of eggs and poultry in this bill or for the enactment of a separate bill for eggs and poultry. Half a loaf is better than nothing, and I believe it will be better for us to get something rather than nothing. As I said before, it has taken 10 years for the farmers producing fruits and vegetables and the commission men and dealers to get together on this bill, and it will take the egg and poultry men some time to do likewise. In the meantime I suggest that we let well enough alone and not cram down their throats a section they know nothing about, have not asked for, and will probably oppose should it pass this House and go over to the Senate. In other words, let us not add to this bill something that has not been asked for and by so doing endanger the passage of the bill itself.

Mr. ABERNETHY. I am very much in favor of this bill, so much so that I think eggs and poultry should go in. But when I see the Committee on Agriculture is divided upon this question

of eggs and poultry, it seems to me doubtful if we should keep this provision in at this time.

Mr. SNOW. I hope you will vote for the Purnell amendment.

Mr. FULLER. Mr. Chairman, will the gentleman yield?

Mr. SNOW. Yes.

Mr. FULLER. Will the gentleman please tell us what is the basic difference between fruits and vegetables and eggs and poultry?

Mr. SNOW. Yes.

Mr. FULLER. What is it?

Mr. SNOW. They are handled differently. I think the gentleman from Nevada [Mr. ARENTZ] answered the gentleman's question in his remarks a few minutes ago.

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. OLIVER of Alabama rose.

The CHAIRMAN. The gentleman from Alabama is recognized.

Mr. GLOVER. Mr. Chairman, I ask unanimous consent that the gentleman from Maine may have five minutes more.

Mr. OLIVER of Alabama. Mr. Chairman, I yield half a minute to the gentleman from Maine. I was recognized.

Mr. SNOW. I appreciate the kindness of the gentleman from Alabama.

Mr. GLOVER. The gentleman is just as much mistaken in mistaking the meaning of my speech as he was in pronouncing the word "Arkansas" as "Ar-kan-sas." It is not "Ar-kan-sas" but it is "Ark-an-saw." [Laughter.]

Mr. SNOW. Whether it be "Ar-kan-sas" or "Ark-an-saw," it is one mighty good State. [Applause.]

Mr. OLIVER of Alabama. Mr. Chairman, I have no requests to support this bill and no requests to oppose it, and the only interest I feel in the bill was prompted by the debate I heard this morning.

I was interested to know that the chairman of the committee and other Members of the House felt that farm constituents of theirs desired to have eggs and poultry included. Certainly no good reasons have been given why this legislation should be restrictive, but I feel that it should be broad enough to cover all farm interests that now suffer from fraudulent practices. That is why I asked the gentleman from Nebraska [Mr. SLOAN] if he could point out where the legislation, in so far as it seeks to protect fruits and vegetables, would be impaired by including poultry and eggs, and I have yet to hear anyone who claims to give answer to such question.

I can understand why some gentlemen here, possibly those who sponsor the pending amendment, should favor it. Those products, poultry and eggs, probably are handled through cooperatives in a very satisfactory way, and they may think, therefore, that it is not important that they should be included, but when you find that Arkansas and the West and other sections, not feeling that their farmers are so well organized as to handle these products, and it is difficult for me to see why these products should not be included. Your committee brought it here, we are informed, through a unanimous report, and this opposition has suddenly developed.

That is all I wish to say about the merits of the bill. I did want to advert to the penalty provision which the gentleman from South Carolina [Mr. HARE] called attention to, and which the gentleman from Washington [Mr. SUMMERS] felt was answered by the part of the act he read; but the gentleman omitted to read what to my mind is an important and far-reaching proviso or limitation. The gentleman from Washington [Mr. SUMMERS], felt that there was no basis for the apprehension of the gentleman from South Carolina [Mr. HARE] because of this language, which he read:

This act shall not abrogate nor nullify any of the statutes, whether State or Federal, dealing with the same subject as this act, but it is intended that all such statutes shall remain in full force and effect.

Here is the important language which the gentleman from Washington [Mr. SUMMERS] omitted to read:

Except so far only as they are inconsistent herewith or repugnant hereto.

This exception is vital and would serve to protect the language and integrity of this bill, and to repeal any existing law in conflict therewith. This act, if inconsistent with any existing law, would stand and the other fall. So surely there is ground for the apprehension expressed by the gentleman from South Carolina [Mr. HARE]. Why, if that is not true, was this significant language inserted: "Except in so far as they are inconsistent herewith or repugnant hereto?" Of course that means that where you have another statute dealing with this same subject and the penalty therein is different than here, such statute would be inconsistent with this bill, and the provision of the



older statute found to be in conflict would fail. Certainly no one can dispute that statement.

I pause for an explanation from the gentleman from Washington [Mr. SUMMERS].

Mr. HARE. Will the gentleman yield?

Mr. OLIVER of Alabama. I yield.

Mr. HARE. Does not the gentleman think that that language, in effect, will mean the repeal of the existing law?

Mr. OLIVER of Alabama. Unquestionably. I wait for the gentleman from Washington [Mr. SUMMERS], who, I believe, is an eminent physician and not a lawyer, to tell me how he would interpret the exception which I have read.

Mr. SUMMERS of Washington. I was absent from the Chamber for a few minutes and I did not hear what the gentleman from Alabama [Mr. OLIVER] said.

Mr. OLIVER of Alabama. I called attention to the fact that the gentleman, through inadvertence, I am sure, read the first four lines which he thought answered completely what the gentleman from South Carolina [Mr. HARE] feared might repeal an existing law. The gentleman from Washington [Mr. SUMMERS] omitted, however, to read what, to my mind, is very significant language.

The CHAIRMAN. The time of the gentleman from Alabama [Mr. OLIVER] has expired.

Mr. SUMMERS of Washington. I did it through inadvertence, but later, as the RECORD will disclose, I read to the House the entire provision, including the exception referred to.

The CHAIRMAN. The question is on the amendment to the committee amendment.

The question was taken; and upon a division (demanded by Mr. GLOVER) there were ayes 67 and noes 53.

Mr. HAUGEN. Mr. Chairman, I demand tellers.

Tellers were ordered; and the Chair appointed as tellers Mr. HAUGEN and Mr. PURNELL.

The committee divided, and the tellers reported that there were ayes 76 and noes 73.

So the amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment as amended.

The committee amendment as amended was agreed to.

Mr. HAUGEN. Mr. Chairman, I move that the committee do now rise and report the bill to the House with an amendment, with the recommendation that the amendment be agreed to and the bill as amended do pass.

Mr. HARE. Mr. Chairman, I have an amendment to offer.

The CHAIRMAN. The gentleman from South Carolina [Mr. HARE] is too late.

Mr. HARE. Mr. Chairman, I was on my feet, seeking recognition.

The CHAIRMAN. The Chair has put the question on the committee amendment as amended. No one asked for recognition.

The gentleman from Iowa moves that the committee do now rise and report the bill back to the House with the recommendation that the amendment be agreed to, and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker pro tempore [Mr. TILSON] having resumed the chair, Mr. LEAVITT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill S. 108, had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. HAUGEN. Mr. Chairman, I ask a separate vote on the Purnell amendment.

Mr. LEAVITT. There is only one amendment, Mr. Speaker.

The SPEAKER pro tempore. There is but a single amendment. The question is on agreeing to the amendment.

Mr. HAUGEN. I move the previous question, Mr. Speaker, on the bill and amendment to final passage.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

Mr. LEHLBACH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LEHLBACH. If the amendment is voted down, then the Senate bill becomes the bill that is passed in the House, does it not?

The SPEAKER pro tempore. The gentleman from New Jersey is correct.

Mr. RAMSEYER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RAMSEYER. The gentleman from Iowa [Mr. HAUGEN] demanded a separate vote on the Purnell amendment. There

is only one amendment and that is the committee amendment in the nature of a substitute to the Senate bill. I think the House does not understand clearly just what the parliamentary situation is, and it might be well for the Speaker to explain to the House just what is the parliamentary situation. Let me make this observation: That the amendments that were agreed to in the Committee of the Whole to the committee amendment are amendments in the second degree on which separate votes can not be had in the House. The only separate vote is on the committee amendment as amended and reported to the House.

The SPEAKER pro tempore. The House has been considering the bill S. 108. The Committee on Agriculture amended that bill by striking out all after the enacting clause and inserting an amendment of its own. That amendment has been perfected in the Committee of the Whole and has been reported to the House as a single amendment.

Mr. ASWELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ASWELL. Is it in order to ask for a separate vote on the last amendment?

The SPEAKER pro tempore. There is only one amendment pending, and that is the entire bill.

Mr. ASWELL. Is it in order to ask for a separate vote on the amendment to the amendment?

The SPEAKER pro tempore. No. There is only one amendment that has been reported to the House. The House has no knowledge of any action taken by the Committee of the Whole, except as reported to it by the Chairman of the Committee of the Whole.

Mr. OLIVER of Alabama. Mr. Speaker, as I understand, the committee in reporting out the bill struck out all after the enacting clause of the Senate bill and substituted in lieu thereof an amendment. Is that correct?

The SPEAKER pro tempore. That is correct.

Mr. OLIVER of Alabama. And that is the report of the committee?

The SPEAKER pro tempore. Yes.

Mr. OLIVER of Alabama. Now, that came before the Committee of the Whole as the report of the committee on that bill. That report of the committee was amended by striking out a portion of it. Is it not in order to ask for a separate vote on the amendment changing the bill as reported out by the committee?

The SPEAKER pro tempore. Not at all. There is only one amendment reported.

Mr. OLIVER of Alabama. Mr. Speaker, what is the difference between amending an original bill, reported out by a committee by striking out a part of it in Committee of the Whole, and amending an amendment in the nature of a bill reported by the committee by striking out part of it?

The SPEAKER pro tempore. One is an amendment to a bill, which the House has a right to act upon. The other is an amendment to an amendment, and that is a matter for the Committee of the Whole to act upon. The Committee of the Whole has taken action.

Mr. OLIVER of Alabama. Was not the bill reported out by the committee, in effect, a separate bill, although called an amendment? It was called an amendment perhaps for the purpose as indicated on yesterday—of preventing it being read section by section; but it is in fact a substitute bill.

The SPEAKER pro tempore. There is no question whatever as to the action of the committee; but, from a parliamentary standpoint this is but a single amendment, and so far as the House is concerned the House is at liberty to vote on but one amendment.

Mr. PURNELL. Mr. Speaker, may I make a suggestion? If the Speaker has not done so, I think it would clear the atmosphere if the Speaker would state whether or not a separate vote could be had upon the amendment which I offered and which was adopted in committee.

The SPEAKER pro tempore. The Chair has already stated that there can be no vote except on the amendment which is now pending.

Mr. GARNER. Mr. Speaker, as I understand, the only way a separate vote can be secured is by unanimous consent?

The SPEAKER pro tempore. The gentleman is entirely correct.

Mr. ASWELL. Mr. Speaker, I ask unanimous consent that a separate vote be had on that amendment.

Mr. PURNELL. Mr. Speaker, I make a point of order against that.

The SPEAKER pro tempore. A point of order would stop that, and it could only be done by unanimous consent.

Mr. PURNELL. I make the point of order.

The SPEAKER pro tempore. The point of order is sustained.

Mr. ASWELL. Is it in order to move to recommit the bill now?

The SPEAKER pro tempore. Not until the bill has been read the third time.

Mr. ASWELL. Has it been read the third time?

The SPEAKER pro tempore. The question now is on agreeing to the amendment, which is the House bill as amended; and if that motion carries, then a motion for the third reading of the bill will be in order.

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GARNER. Suppose the House agrees to this amendment and the gentleman from Louisiana desires to make a motion to recommit the bill to the committee with instructions to report forthwith restoring the language stricken out by the amendment of the gentleman from Indiana. Would that be in order?

The SPEAKER pro tempore. It impresses the Chair as a first impression that it would be in order, but the Chair would wish to refresh his memory as to the precedents before making a ruling.

Mr. GARNER. That is the main point. The object of the House is to get a vote on that particular amendment. If we can not get it by unanimous consent, the query is: If the gentleman from Louisiana shall make a motion to recommit the bill to the committee with instructions to report forthwith, would it be in order for him to make that motion, restoring the language stricken out by the amendment of the gentleman from Indiana?

The SPEAKER pro tempore. It seems so to the Chair.

Mr. LaGUARDIA. If the House by its vote adopts the amendment, surely you can not move to recommit, because that question has been raised here repeatedly.

Mr. JONES of Texas. And that would be changing the action already taken by the House. If this amendment is adopted, then the House can not change its action after once adopting the amendment.

The SPEAKER pro tempore. The House often changes its action in its effect by a motion to recommit.

Mr. LEHLBACH. Mr. Speaker, I would like to be heard.

The SPEAKER pro tempore. The Chair will hear the gentleman from New Jersey.

Mr. LEHLBACH. It is the rule of this House that when the House adopts an amendment to a proposition before it a motion to recommit providing for a further modification of the amendment already adopted by the House does not lie.

The SPEAKER pro tempore. That is correct. That is the general rule.

Mr. LEHLBACH. Then a motion to recommit restoring the language stricken out by the Purnell amendment would be out of order.

The SPEAKER pro tempore. But the gentleman did not state that it would necessarily be a motion to restore the language stricken out by the Purnell amendment. If that is the only purpose of it, the House having acted upon it once, the Chair thinks a point of order would lie.

Mr. KINCHELOE. Mr. Speaker, carrying that idea further, the House is not going to have an opportunity to act upon it until after the third reading.

Mr. LaGUARDIA. The House can vote down the entire amendment.

The SPEAKER pro tempore. The Chair will state, upon an examination of the authorities, that if the only effect of the motion to recommit would be to restore the language stricken out by the Purnell amendment, after it has been acted upon as a part of the amendment, it would not be in order.

Mr. OLIVER of Alabama. Is it in order to move to recommit the whole bill?

The SPEAKER pro tempore. A motion to recommit is certainly in order and can not be taken away. The question is on agreeing to the amendment, which is the House bill.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, and was read the third time.

Mr. ASWELL. Mr. Speaker, I move to recommit the bill to the Committee on Agriculture.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. ASWELL. I certainly am.

The SPEAKER pro tempore. The gentleman from Louisiana moves to recommit the bill to the Committee on Agriculture.

The question was taken; and the Chair announced that the yeas seemed to have it.

Mr. ASWELL. Mr. Speaker, I demand the yeas and nays.

The SPEAKER pro tempore. All those in favor of taking this vote by the yeas and nays will rise and stand until counted. [After counting.] Thirty-nine gentlemen have risen, not a sufficient number.

Mr. ASWELL. Mr. Speaker, I make the point of no quorum.

Mr. RAMSEYER. Mr. Speaker, a parliamentary inquiry. What is before the House?

Mr. LaGUARDIA. A point of no quorum.

The SPEAKER pro tempore. The gentleman from Louisiana has made the point of no quorum.

Mr. ASWELL. Mr. Speaker, I withdraw that and ask for a division.

Mr. GREEN. Mr. Speaker, the Chair announced on the last motion made in the House that the yeas had it, but there was no division, and I demand a division.

The SPEAKER pro tempore. The gentleman's request comes too late. The question is on agreeing to the motion to recommit.

Mr. ASWELL. Mr. Speaker, I now renew my request for the yeas and nays. If we could have the other side, I would make that request, but I understand the Chair to rule that that is not now in order.

The SPEAKER pro tempore. All those in favor of taking this vote by the yeas and nays will rise and stand until counted. [After counting.] Forty-nine Members have risen, a sufficient number.

The yeas and nays were ordered.

The question was taken; and there were—yeas 64, nays 224, not voting 139, as follows:

[Roll No. 37]

YEAS—64

|               |                |               |               |
|---------------|----------------|---------------|---------------|
| Aswell        | Edwards        | Kincheloe     | Ragon         |
| Bachmann      | Eslick         | Kinzer        | Ramspeck      |
| Brand, Ga.    | Esterly        | Lampert       | Rankin        |
| Browning      | Frear          | Lanham        | Romjue        |
| Buckbee       | Fuller         | Lozier        | Rutherford    |
| Busby         | Garber, Va.    | McKeown       | Schafer, Wis. |
| Byrns         | Glover         | McMillan      | Shaffer, Va.  |
| Cannon        | Haugen         | McReynolds    | Sprout, Ill.  |
| Cooper, Tenn. | Hogg           | Menges        | Stafford      |
| Cooper, Wis.  | Huddleston     | Milligan      | Summers, Tex. |
| Cox           | Hull, Wis.     | Moore, Va.    | Swanson       |
| Craddock      | Johnson, Okla. | Nelson, Mo.   | Tarver        |
| Davis         | Jones, Tex.    | Newhall       | Tinkham       |
| Dowell        | Kading         | O'Connor, La. | Tucker        |
| Drewry        | Kendall, Ky.   | Oliver, Ala.  | Wilson        |
| Eaton, Colo.  | Kerr           | Oliver, N. Y. | Wright        |

NAYS—224

|                |                  |                    |                   |
|----------------|------------------|--------------------|-------------------|
| Abernethy      | Dickstein        | Jenkins            | Quin              |
| Ackerman       | Doughton         | Johnson, Nebr.     | Rainey, Henry T.  |
| Adkins         | Doxey            | Johnson, S. Dak.   | Ramey, Frank M.   |
| Allen          | Drane            | Johnson, Tex.      | Ramseyer          |
| Almon          | Driver           | Johnston, Mo.      | Reece             |
| Andresen       | Dunbar           | Kahn               | Reed, N. Y.       |
| Andrew         | Dyer             | Kearns             | Reid, Ill.        |
| Arentz         | Eaton, N. J.     | Kemp               | Robinson          |
| Arnold         | Englebright      | Kendall, Pa.       | Rowbottom         |
| Ayres          | Evans, Calif.    | Ketcham            | Sabath            |
| Bacharach      | Evans, Mont.     | Kiefner            | Sanders, Tex.     |
| Barbour        | Fenn             | Knutson            | Sandlin           |
| Beedy          | Finley           | Korell             | Schneider         |
| Blackburn      | Fisher           | Kvale              | Sears             |
| Bland          | Fitzgerald       | LaGuardia          | Seger             |
| Bloom          | Fitzpatrick      | Lambertson         | Selberling        |
| Bohn           | Fort             | Lankford, Ga.      | Selvig            |
| Bowman         | Foss             | Lankford, Va.      | Shott, W. Va.     |
| Box            | Free             | Lea                | Simmons           |
| Boylan         | French           | Leavitt            | Sinclair          |
| Briggs         | Fulmer           | Lehlbach           | Sloan             |
| Brigham        | Gambrell         | Linthicum          | Smith, Idaho      |
| Browne         | Garber, Okla.    | Luce               | Smith, W. Va.     |
| Buchanan       | Garner           | Ludlow             | Snow              |
| Burtess        | Gibson           | McClintock, Ohio   | Sparks            |
| Butler         | Goldsborough     | McCormack, Mass.   | Speaks            |
| Cable          | Goodwin          | McCormick, Ill.    | Sprout, Kans.     |
| Campbell, Iowa | Granfield        | McLaughlin         | Stone             |
| Campbell, Pa.  | Green            | McLeod             | Summers, Wash.    |
| Carter, Wyo.   | Greenwood        | McSwain            | Swing             |
| Cartwright     | Griffin          | Maas               | Taylor, Colo.     |
| Chalmers       | Guyer            | Manlove            | Taylor, Tenn.     |
| Christgau      | Hadley           | Mansfield          | Temple            |
| Christopherson | Hall, Ill.       | Mapes              | Thatcher          |
| Clague         | Hall, Ind.       | Martin             | Thompson          |
| Clancy         | Hall, Miss.      | Michaelson         | Thurston          |
| Clark, Md.     | Hall, N. Dak.    | Michener           | Tilson            |
| Clark, N. C.   | Halsey           | Miller             | Timberlake        |
| Cochran, Mo.   | Hammer           | Montet             | Vinson, Ga.       |
| Cochran, Pa.   | Hardy            | Moore, Ky.         | Warren            |
| Cole           | Hare             | Morehead           | Wason             |
| Collier        | Hawley           | Morgan             | Watres            |
| Collins        | Hickey           | Nelson, Me.        | Watson            |
| Colton         | Hill, Ala.       | Nelson, Wis.       | Welch, Calif.     |
| Corning        | Hill, Wash.      | Niedringhaus       | Welsb, Pa.        |
| Craff          | Hoffman          | Nolan              | Whitehead         |
| Cramton        | Holaday          | O'Connor, Okla.    | Whitley           |
| Crisp          | Hooper           | Oldfield           | Whittington       |
| Cross          | Hope             | Palmer             | Williams          |
| Culkin         | Hopkins          | Palmisano          | Wingo             |
| Cullen         | Houston, Del.    | Patman             | Wolfenden         |
| Dallinger      | Howard           | Pittenger          | Wolverton, N. J.  |
| Darrow         | Hudson           | Prall              | Wolverton, W. Va. |
| Dempsey        | Hull, Morton D.  | Pratt, Harcourt J. | Wood              |
| Denison        | Hull, William E. | Pratt, Ruth        | Woodruff          |
| De Priest      | Irwin            | Purnell            | Yates             |



## NOT VOTING—139

|                |                |                  |                 |
|----------------|----------------|------------------|-----------------|
| Aldrich        | Douglas, Ariz. | Kunz             | Short, Mo.      |
| Allgood        | Douglas, Mass. | Kurtz            | Shreve          |
| Auf der Heide  | Doutrich       | Langley          | Simms           |
| Bacon          | Doyle          | Larsen           | Sirovich        |
| Baird          | Elliott        | Leech            | Snell           |
| Bankhead       | Ellis          | Letts            | Somers, N. Y.   |
| Beck           | Estep          | Lindsay          | Spearing        |
| Beers          | Fish           | McClintic, Okla. | Stalker         |
| Bell           | Freeman        | McDuffie         | Steagall        |
| Black          | Garrett        | McFadden         | Stedman         |
| Bolton         | Gasque         | Magrady          | Stevenson       |
| Brand, Ohio    | Gavagan        | Mead             | Stobbs          |
| Britten        | Gifford        | Merritt          | Strong, Kans.   |
| Brumm          | Golder         | Montague         | Strong, Pa.     |
| Brunner        | Graham         | Mooney           | Sullivan, N. Y. |
| Burdick        | Gregory        | Moore, Ohio      | Sullivan, Pa.   |
| Canfield       | Hale           | Mouser           | Swick           |
| Carley         | Hancock        | Murphy           | Taber           |
| Carter, Calif. | Hartley        | Norton           | Treadway        |
| Celler         | Hastings       | O'Connell        | Turpin          |
| Chase          | Hess           | O'Connor, N. Y.  | Underhill       |
| Chindblom      | Hoch           | Owen             | Underwood       |
| Clarke, N. Y.  | Hudspeth       | Parker           | Vestal          |
| Connery        | Hull, Tenn.    | Parks            | Vincent, Mich.  |
| Connolly       | Igoe           | Patterson        | Wainwright      |
| Cooke          | James          | Peavey           | Walker          |
| Cooper, Ohio   | Jeffers        | Perkins          | White           |
| Coyle          | Johnson, Ill.  | Porter           | Wigglesworth    |
| Crosser        | Johnson, Ind.  | Pou              | Williamson      |
| Crowther       | Johnson, Wash. | Pritchard        | Woodrum         |
| Curry          | Jonas, N. C.   | Quayle           | Wurzbach        |
| Davenport      | Kelly          | Ransley          | Wyant           |
| DeRouen        | Kennedy        | Rayburn          | Yon             |
| Dickinson      | Kiess          | Rogers           | Zihlman         |
| Dominick       | Kopp           | Sanders, N. Y.   |                 |

So the motion to recommit was rejected.

The following pairs were announced:

General pairs until further notice:

Mr. Snell with Mr. Pou.  
 Mr. McFadden with Mr. Jeffers.  
 Mr. Crowther with Mr. Hull of Tennessee.  
 Mr. Beck with Mr. Garrett.  
 Mr. Hoch with Mr. Carley.  
 Mrs. Rogers with Mrs. Owen.  
 Mr. Murphy with Mr. O'Connell of New York.  
 Mr. Treadway with Mr. Dominick.  
 Mr. Kiess with Mr. Gasque.  
 Mr. Vestal with Mr. Brunner.  
 Mr. Carter of California with Mr. Spearing.  
 Mr. Johnson of Washington with Mr. Gavagan.  
 Mr. Moore of Ohio with Mr. Underwood.  
 Mr. Short with Mr. Black.  
 Mr. Porter with Mr. Allgood.  
 Mr. Shreve with Mr. Mead.  
 Mr. Wigglesworth with Mr. Bell.  
 Mr. Swick with Mr. Celler.  
 Mr. Britten with Mr. Douglas of Arizona.  
 Mr. Letts with Mr. Lindsay.  
 Mr. Wyant with Mr. Rayburn.  
 Mr. Elliott with Mr. Douglass of Massachusetts.  
 Mr. Perkins with Mr. O'Connell of New York.  
 Mr. Golder with Mr. Bankhead.  
 Mr. Magrady with Mr. Canfield.  
 Mr. Connolly with Mr. McDuffie.  
 Mr. Mouser with Mr. Connery.  
 Mr. Ellis with Mr. Mooney.  
 Mr. Strong of Pennsylvania with Mr. Gregory.  
 Mr. Fish with Mr. McClintic of Oklahoma.  
 Mr. Graham with Mr. Crosser.  
 Mr. Hartley with Mr. Hastings.  
 Mr. Ransley with Mr. Stevenson.  
 Mr. Merritt with Mr. Yon.  
 Mr. Zihlman with Mrs. Norton.  
 Mrs. Langley with Mr. Kunz.  
 Mr. Kopp with Mr. Montague.  
 Mr. Taber with Mr. Somers of New York.  
 Mr. Beers with Mr. Patterson.  
 Mr. Chindblom with Mr. Sullivan of New York.  
 Mr. Davenport with Mr. Larsen.  
 Mr. Cooper of Ohio with Mr. Woodrum.  
 Mr. Doutrich with Mr. Quayle.  
 Mr. Hancock with Mr. Steagall.  
 Mr. Johnson of Indiana with Mr. Sirovich.  
 Mr. Hess with Mr. DeRouen.  
 Mr. Williamson with Mr. Kennedy.  
 Mr. Kurtz with Mr. Hudspeth.  
 Mr. Freeman with Mr. Doyle.  
 Mr. Gifford with Mr. Stedman.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken, and the bill was passed.

A motion by Mr. HAUGEN to reconsider the vote by which the bill was passed was laid on the table.

## TO PROMOTE AGRICULTURE

Mr. HAUGEN. Mr. Speaker, I call up the bill H. R. 2152, to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes.

And I ask unanimous consent to substitute the bill S. 2043.

Mr. STAFFORD. To that substitution, Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard. The House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. LEAVITT in the chair.

The CHAIRMAN. The Clerk will report the bill.

Mr. KETCHAM. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from Michigan [Mr. KETCHAM] 20 minutes.

Mr. KETCHAM. Mr. Chairman and gentlemen of the committee, if you will be patient for a few minutes I think I shall not detain you longer. The bill before you for consideration this afternoon, H. R. 2152, is to all intents and purposes a duplicate of the bill that has already passed the House on two previous occasions—once, according to my recollection, under unanimous consent.

An expanding foreign service has been a part of the program of the Department of Agriculture for a long time. Naturally I think you understand what is in mind. We have what we know in the Department of Agriculture as the Bureau of Agricultural Economics, and one of the divisions in that bureau is the division of foreign service. It is the purpose of this bureau to have established at a few strategic points in foreign countries representatives of the Department of Agriculture to gather statistical information that will be of assistance to the Department of Agriculture, not only in matters of production but also in splendid work of the new Farm Board along the lines of marketing.

On the two previous occasions when the bill was passed we had not yet set up that wonderful new organization that we now have under the agricultural marketing act, namely, the Federal Farm Board.

One of the very first steps taken by the new Federal Farm Board when it came into operation last year was to call a meeting of the board for the purpose of considering this whole question of the foreign service department in the Department of Agriculture.

After giving it very careful consideration a select committee of three economists of the country was appointed by the Farm Board to make an investigation of the whole subject and report. That committee was made up of Dean Edwin S. Gay, Dr. Alonzo Taylor, and Mr. Asher Hobson, all eminent economists. After a survey of the whole subject, they brought back a report in which they say:

Its greatest lack is permanent foreign reporting stations and commodity and marketing estimators. If the Department of Agriculture is to report in anything like a satisfactory manner the world situation on important commodities, it will require no less than 10 foreign posts to cover the important producing and consuming areas.

I pause for a moment to emphasize the idea of the 10. Ten posts should be established in strategic foreign situations in order that first-hand and accurate information may be obtained and forwarded to our Department of Agriculture. Note, please, the following very important language:

Each of these posts should be in charge of one with an official rank sufficient to command the respect and attention of foreign governments. When in charge of an office located in a foreign capital he should have a designation of agricultural attaché and be attached to the embassy or legation of the United States.

Then follows the recommendation of the committee as to the 10 places where these representatives in foreign governments should be located:

1. London: British Isles.
2. Berlin: German-speaking Central Europe—Germany, Austria, Czechoslovakia, and Poland.
3. Paris: Holland, Belgium, and France, with the exception of southern France.
4. Marseilles: Mediterranean Basin.
5. Copenhagen: Scandinavian countries—Denmark, Norway, and Sweden.
6. Bucharest: Danube Basin.
7. Buenos Aires: South America, with especial reference to Argentina and Brazil.
8. Melbourne: Australia and New Zealand.
9. Johannesburg (or Pretoria): South Africa.
10. Shanghai: The Orient.

I dare say the question will be raised immediately as to a special reason why these representatives of our Government should be given the rank of agricultural attaché, which is the real heart of this bill. I submit the following reasons which I am sure will appeal to you immediately. In the first place, to relieve them of the liability to taxation in foreign countries. I

maintain that the representatives of our Government who have a responsibility in the matter of taxation to our own country are entitled when they go into foreign countries to receive the same exemptions that are granted to comparable service in other departments of the Government. That is a practical consideration that will make its appeal at once I am sure.

Mr. BRIGHAM. And is it not true that their work would be greatly hampered unless they do have such status?

Mr. KETCHAM. I shall come to that later. The relief in respect to taxation is already granted to men of comparable rank in other branches of our foreign service, and certainly those who represent agriculture are entitled to the same consideration.

Mr. BROWNE. How much does the gentleman estimate that it will cost if this bill becomes a law?

Mr. KETCHAM. In addition to what is already provided?

Mr. BROWNE. Yes.

Mr. KETCHAM. I have not the figures at hand, but in view of the fact that there are already several of these representatives over there representing the Department of Agriculture, not with the rank of agricultural attaché, and also in view of the fact that the Federal Farm Board has already set aside \$150,000, I think it is, of their funds, practically no new appropriation will be required to put this bill into operation.

In the second place, this bill is desired because it will facilitate and aid the establishment and development of direct contacts with foreign government officials in related work. I have not had the privilege of going abroad as many of you have, but my understanding of the situation is that unless you have a certain rank, that of agricultural attaché, when you proceed to get the information which you desire for your own Government, at once you are handicapped, but if you have the entrée given you by this particular rank, then you may communicate face to face with men of comparable rank and receive the courtesies that are your due. Consequently it seems to me that this consideration ought to be given to agriculture.

In the third place, to place them on an equal footing with other foreign representatives of the United States in respect to freedom from customs duties, and freedom of movement to and fro and within foreign countries and in regard to courtesies usually extended to such representatives. I am informed, and I think we all know, that there are courtesies extended to representatives of the State Department and, by an act of Congress for which I very gladly voted, we provided for similar courtesies to be extended to representatives of the Department of Commerce. You will all recall the fight we had with reference to the establishment of that foreign service, and finally we did agree that it should be established. I am glad to say that the House on two different occasions and once by unanimous consent gave its approval to this particular program. I believe if we are to have representatives abroad speaking in the name of commerce, if we are to have representatives abroad speaking in the name of the State Department, that we should also have them speaking in the name of agriculture, especially in view of the new set-up we have with our agricultural marketing act, and the necessity of putting before the Farm Board reliable information gathered by men of experience. I believe that ought to be done by men who are given the rank we accord to men in similar lines in other departments of the Government.

Mr. BRIGGS. Mr. Chairman, will the gentleman yield?

Mr. KETCHAM. Yes.

Mr. BRIGGS. Is it not a fact that the most vital consideration affecting agriculture to-day is finding markets?

Mr. KETCHAM. Exactly so.

Mr. BRIGGS. Not only at home but abroad, and the extension of those markets, if you are going to save agriculture in this country.

Mr. KETCHAM. There is no question about that.

Mr. BRIGGS. And this proposed legislation, as I understand it, is to promote trade expansion in foreign fields?

Mr. KETCHAM. In the particular field of agriculture, not trespassing upon the functions of the Department of Commerce.

Mr. BRIGGS. I mean in the agricultural field.

Mr. KETCHAM. Yes.

Mr. BRIGGS. I suppose that, so far as the Commerce Department is concerned, these representatives will cooperate, but these representatives intend to cooperate to specialize in agricultural products.

Mr. KETCHAM. Yes.

Mr. BRIGGS. Rather than in the industrial field?

Mr. KETCHAM. Yes.

Mr. OLIVER of Alabama. Is it the purpose to find markets for agricultural products?

Mr. KETCHAM. Generally speaking, the emphasis is put on the gathering of statistical information concerning the production of crops.

Mr. OLIVER of Alabama. That was my understanding.

Mr. KETCHAM. Incidentally they are to make reports particularly with reference to the new functions being undertaken by the Farm Board, and that, of course, goes into the field of marketing.

Mr. OLIVER of Alabama. Just so soon as you undertake to broaden their duties by saying incidentally that they shall do the other things, then you trespass upon the field occupied by the Department of Commerce, and just as soon as you trespass in that field you justify a request from the Department of Agriculture for increased personnel in the foreign field. May I ask the gentleman here is it the purpose of this bill to give to the Department of Agriculture any excuse for asking for additional personnel in the foreign field?

Mr. KETCHAM. None; excepting those specified by the Farm Board last August or September, limiting the number to 10 specific appointments.

Mr. OLIVER of Alabama. You do not acquiesce in the suggestion of the gentleman from Texas [Mr. Briggs] that these parties should be employed for the purpose of finding markets for agricultural products?

Mr. KETCHAM. Not excepting as an incidental proposition. But I do not care to be drawn into that controversy, because if the gentleman will go back in memory to the time when we had these department matters up before, I think he will agree with me that the less that is said about conflicts between departments will be for the better.

Mr. OLIVER of Alabama. That is the kind of answer, if the gentleman will permit me to say, that leads to the abuses complained of. If in a quiet way they can incidentally do this, they will continue to trespass, and will point to the fact that the debate in Congress indicated that they were justified in doing so.

Mr. BRIGGS. The gentleman is proposing that we will have men seeking specific information on the other side, gathering information for the benefit of agriculture here?

Mr. KETCHAM. We have set up in this country a fine new organization called the Federal Farm Board. Its purpose is to secure information concerning foreign markets in connection with the promotion of the sale of our products. These men are to operate in coordination with that organization.

Mr. BRIGGS. Is it not the purpose of this legislation to put the producers of the United States in touch with the consumers of the world of primary agricultural products?

Mr. KETCHAM. I will not answer that in detail for the reason stated by the gentleman from Alabama [Mr. Oliver]. I am interested in this particular measure, and I do not want to become involved in other controversies.

Mr. BRIGGS. In other words, the purpose is to promote and further agriculture and its disposal in the markets of the world?

Mr. KETCHAM. I will accept the first part of the gentleman's statement, but I would not care to go further in the discussion of the second part of his statement with reference to the marketing of farm products, for reasons which I am sure will be perfectly obvious to those following this debate.

Now, if I may come back to the former subject of discussion, to the line of thought that I was presenting just a moment ago, an additional reason for setting up this foreign service is that the men going abroad as agricultural attachés should be placed on an equal footing with the agricultural attachés of other countries who are regularly attached to their foreign missions and embassies there in the interest of marketing, and to eliminate the primary causes of embarrassment between our officials and foreign officials and individuals.

That perfectly sets out the purpose of this bill. It is a companion measure, if you please, to the measure adopted a number of years ago setting up a department of foreign service in the Department of Commerce. It was generally agreed by Members of the House that this service would be set up, and the bill has passed the House on two different occasions, but failed of enactment in another body. But I am particularly pleased to report that on the day before yesterday a bill having the identical title was passed by practically a unanimous vote at the other end of the Capitol, so that it makes it easy for the House to fulfill the understanding that was entered into some years ago, when the department of foreign service was established in the Department of Commerce.

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has two minutes remaining.

Mr. KETCHAM. I want to take my closing two minutes to say that another way has been found to accomplish this same purpose, and I want very frankly to meet that situation. I have read to you the indorsement of the Farm Board. I could read to you the indorsement of the former Secretary of Agriculture and of all the farm organizations and the agricultural papers of the country. So far as agriculture is concerned, I



know of no division. The only question that arises is how this matter shall be worked out, and in that connection there has been offered a suggestion that this matter could be cared for by simply authorizing an appropriation in the pending deficiency bill. I hold in my hand a communication from the President and the Budget commissioner, suggesting language that should be carried in the pending deficiency bill to carry out this proposition without the enactment of further legislation. I hold in my hand a draft of it, and I will read the title of it.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. KETCHAM. Mr. Chairman, may I have five additional minutes?

Mr. HAUGEN. I yield to the gentleman five additional minutes.

The CHAIRMAN. The gentleman from Michigan is recognized for five additional minutes.

Mr. KETCHAM. I hold in my hand a communication from the Director of the Budget, with a recommendation of language to be carried in the current deficiency bill. I read the title of it:

Draft of the proposed legislation affecting existing legislation.

I need go no farther than that to bring to the mind of every parliamentarian in the House that immediately upon this proposal being presented in an appropriation bill, a point of order would eliminate that particular section, and consequently we would have no opportunity to establish this foreign service at all.

You should be advised that right now men have been appointed, and I think at least two or three of the men who are designated by the Federal Farm Board and who have been appointed by agriculture, are on their way abroad. So, in order that we might be sure that this service would be established, I have presented the bill this afternoon, and I sincerely hope it may receive your favorable consideration.

Mr. WOOD. Mr. Chairman, I rise in opposition and claim control of one hour in opposition to this measure.

The CHAIRMAN. The gentleman from Texas [Mr. JONES], a member of the committee on the minority side, is entitled to recognition first.

Mr. JONES of Texas. Mr. Chairman, I want recognition in my own right eventually, but I am willing for the gentleman from Indiana [Mr. Wood] to proceed at this time.

Mr. WOOD. Mr. Chairman, all I desire is my right in opposition to this bill.

The CHAIRMAN. Of course the gentleman from Texas [Mr. JONES], a minority member of the committee, would be entitled to recognition first.

Mr. JONES of Texas. Mr. Chairman, I am willing, if the gentleman from Indiana [Mr. Wood] wishes to proceed now, to wait until he finishes with what time he desires, and then I shall claim recognition in my own right.

The CHAIRMAN. Is the gentleman from Texas [Mr. JONES] in opposition to the bill?

Mr. JONES of Texas. No; I am not in opposition to it.

The CHAIRMAN. Then the gentleman from Indiana [Mr. Wood] is recognized for one hour.

Mr. WOOD. Mr. Chairman, I understand Mr. KNUTSON has some matter that he wishes to present first.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. KNUTSON].

Mr. JONES of Texas. Mr. Chairman, in yielding, I want it understood that I am to be recognized in my own time.

Mr. KNUTSON. Mr. Chairman, I ask unanimous consent to proceed for five minutes out of order.

The CHAIRMAN. The gentleman from Minnesota [Mr. KNUTSON] asks unanimous consent to proceed out of order for five minutes. Is there objection?

There was no objection.

Mr. KNUTSON. On Friday evening, May 9, there passed away at his home in the city of Washington a Government official who left behind him a wonderful record of accomplishment. I refer to the passing of Col. E. D. Church, Commissioner of Pensions.

In my capacity as chairman of the Pensions Committee of the House, I have had an exceptional opportunity to observe the man and his work, and it is for the purpose of paying a tribute to him and his accomplishments that I have asked for time to-day.

Colonel Church's appointment as United States Commissioner of Pensions was preeminently a case of the office seeking the man. He was practically drafted for the place. The President was seeking for this position a man of demonstrated executive ability and, if possible, one thoroughly familiar with the fundamentals of the insurance business. Colonel Church filled these

requirements. It was also most desirable that the affairs of this most important bureau should be administered by one who himself had served honorably as a soldier. Colonel Church's record as a soldier was not only an honorable one, it was a brilliant record. For many years prior to the World War he was an enthusiastic National Guard officer, giving freely of his time and his vital energies to the building up of a strong, effective national defense. He was especially enthusiastic in his efforts to encourage marksmanship. He was, literally as well as figuratively speaking, a straight shooter.

When the Great War came, he threw himself into it with all his valuable experience and all his tremendous vigor and energy. His record during the war was just what anyone acquainted with him and his many vigorous qualities would have expected. He was awarded the distinguished-service medal, medal of honor, the croix de guerre, and other decorations.

Colonel Church's business record and his military record were both alike distinguished, and he was sought out for the position of Commissioner of Pensions. The great insurance company with which he was connected was loath to let him go, but, for the sake of the public service, finally yielded. And so, without his seeking, he was drafted for this important work because of preeminent fitness for the task, and right well does the record he has left justify his selection.

In his passing the Federal Government has lost an able and valuable official and the service men of all wars a loyal and true friend. Peace to his ashes.

The CHAIRMAN. The Chair will state the parliamentary situation with regard to the division of time. The gentleman from Iowa, the chairman of the committee, was recognized for one hour in support of the bill. No member of the committee being opposed to the bill, the gentleman from Indiana [Mr. Wood] was recognized for one hour in control of the time in opposition to the bill. The gentleman from Texas [Mr. JONES] has asked recognition in his own right, but that can not be granted. The gentleman from Texas will have to get time from either the gentleman from Iowa [Mr. HAUGEN] or the gentleman from Indiana [Mr. Wood].

Mr. HUDSON rose.

The CHAIRMAN. The gentleman from Indiana is recognized for one hour in opposition to the bill. Does the gentleman from Indiana [Mr. Wood] yield to the gentleman from Michigan [Mr. HUDSON]?

Mr. JONES of Texas. Mr. Chairman, does that keep me from having any time in my own right?

The CHAIRMAN. Yes.

Mr. JONES of Texas. I will ask the chairman of the committee if he will yield me a portion of his time, as the opposition is claiming time?

Mr. HUDSON. Mr. Chairman, I think this is very important legislation, and I rise to a point of order. I make the point of order that there is not a quorum present.

The CHAIRMAN. The gentleman from Michigan [Mr. HUDSON] makes the point of order that there is not a quorum present. The Chair will count.

Mr. HUDSON. Mr. Chairman, I am willing to withdraw the point of order if there is going to be plenty of opportunity to find out what is in the bill. If the proponents of the bill assure that, I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn.

Mr. JONES of Texas. Mr. Chairman, I ask unanimous consent to be allowed some time. There are two or three others who want time, and I would like to have the chairman yield such time as we desire.

Mr. HAUGEN. I am willing to yield part of the time.

Mr. JONES of Texas. Mr. Chairman, I ask unanimous consent that I may control 30 minutes time in addition to what is allowed to those for and against the bill.

The CHAIRMAN. The rule is such that the time must be divided between the gentleman from Iowa [Mr. Haugen], in favor of the bill, and no member of the committee having asked for time in opposition, one hour in opposition is controlled by the gentleman from Indiana [Mr. Wood], who asked for recognition.

Mr. JONES of Texas. Mr. Chairman, I am asking unanimous consent to be allowed 30 minutes. As I understand, you can pass a white elephant through the House by unanimous consent.

The CHAIRMAN. The gentleman from Texas [Mr. JONES] understands, of course, that unanimous consent can not be asked in committee to change the rules of the House.

Mr. JONES of Texas. Sometimes we suspend the rules of the House by a two-thirds vote, and by unanimous consent we can consider a bill in the House as in Committee of the Whole House.

The CHAIRMAN. The Chair will state that this is the Committee of the Whole and not the House.

Mr. DOWELL. We are in Committee of the Whole, and two hours' debate is allowed and not more. The committee has no authority to change the rule.

The CHAIRMAN. That is the statement the Chair has made, and the rule can not be changed by unanimous consent.

Mr. HAUGEN. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. JONES].

Mr. WOOD. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. JONES].

The CHAIRMAN. The gentleman from Texas is recognized for 20 minutes.

Mr. JONES of Texas. Mr. Chairman and ladies and gentlemen of the House, I think this is a very important bill for a number of reasons. I do not altogether agree with the author of the bill in his construction of its language. If I thought the bill was limited, as the gentleman seems to think it is limited, I would not be as enthusiastic about it as I am, and I am sure he was speaking of only one phase of the bill.

The big question before agriculture to-day is a market for our products. [Applause.] We have grown from a debtor nation to a creditor nation. On some of our great staple American farm crops we have grown from simple beginnings to a great surplus producing nation. If our people are to prosper we must have a market for those surplus crops.

In the very first paragraph of this measure it is stated as the purpose—

To acquire information regarding world competition and demand for agricultural products, and production, marketing, and distribution of said products in foreign countries, and to disseminate the same through agricultural extension agencies and by such other means as may be deemed advisable.

Mr. BRIGGS. Will the gentleman yield?

Mr. JONES of Texas. I yield.

Mr. BRIGGS. Does the gentleman not construe that language to include people everywhere in the United States, so that they can place their products in foreign lands, where they are sought?

Mr. JONES of Texas. Certainly. If it does not mean that, I am sure it was so intended. Of course, it means that. It means that they will take this information and utilize it in finding markets for the agricultural products of America.

Mr. LOZIER. Will the gentleman yield?

Mr. JONES of Texas. I yield.

Mr. LOZIER. Under a similar bill representatives of the Commerce Department published in their reports, which are public documents, that they have been able to find markets for American industrial products and bring the producer in America into touch with the persons who want those products in foreign lands.

Mr. JONES of Texas. Yes.

Mr. LOZIER. Now, this bill, in principle, is intended to do that very thing?

Mr. JONES of Texas. Certainly. I thank the gentleman for his contribution. I just want to call attention to the Commerce Yearbook for 1929, and read one passage:

At the beginning of the century, agricultural products were the dominant component of our foreign sales, and the normal growth of international commerce in agricultural products is relatively slow. At the present, nonagricultural products, chiefly manufactured commodities, make up about five-eighths of our aggregate exports, and, in world trade, commodities of this type tend only to show marked expansion.

In other words, our foreign trade in agricultural products has been going down while our foreign export trade in manufactured products has been going up. We have 186 representatives of the Department of Commerce in foreign lands and have about 5 or 6 agricultural representatives. Yet agriculture still represents nearly half of our export trade.

On what basis can the gentleman from Indiana [Mr. Wood] oppose an appropriation to take care of our foreign export trade in agriculture and still favor the carrying out of the policy that is shown by the report of the Commerce Department to be increasing our foreign trade and commerce, and at the same time our foreign trade in agricultural products is going down?

Mr. WOOD. I will try to answer the gentleman.

Mr. JONES of Texas. I hope the gentleman will. If it is necessary in the interest of economy to reduce some of this, let us balance it. The gentleman may say, as some one has suggested, that the Commerce Department can look after these things. That is the fatal theory that has put agriculture where it is to-day. It is that agriculture must be the handmaid of industry. It is an independent, important component and

constituent element of American life. Of course, the Department of Commerce may render some valuable service, and this bill provides that they shall cooperate with each other and thus not duplicate the work of each other. I am for that. No doubt the representatives of the Department of Commerce have done some valuable service in searching out markets for American agricultural commodities, and, no doubt, they will continue to do so. They have done a wonderful work for industry and they have done some valuable work for agriculture, but there comes a time in the business of agriculture and in the business of industry when their interests must essentially conflict. They are usually mutual, but there are times when they do conflict. There should be some representatives the major portion of whose duties and whose primary duties should be to look after the interests of agriculture and the marketing of agricultural products.

Mr. HUDSON. Will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. HUDSON. I am interested in what the gentleman says, but how can there be a conflict in any country between the various interests of this country as represented by representatives of the country?

Mr. JONES of Texas. There can be this: A man may devote most of his attention or all of his attention to finding a market for commercial products and he may neglect the raw agricultural products.

Mr. HUDSON. That is not a conflict but a neglect. The gentleman said there was a conflict.

Mr. JONES of Texas. I prefer not to go into that question, but the gentleman must understand that in any country the manufacturer might want his materials at a low price. It is to the interest of industry to have cheap raw materials in this country, is it not? It is in the interest of agriculture to have high-priced agricultural materials. So, as I have stated, there are times when there is a conflict in foreign countries as well as in our own.

Mr. BRIGGS. Will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. BRIGGS. Does not the Commerce Department report reflect the fact that while agriculture has been declining in its exports to a very material degree, that industrial products have been increasing in export to an astonishing degree, even as much as 25 per cent in the automobile industry?

Mr. JONES of Texas. I understand so.

Mr. HUDSON. That might be true and yet there may be no neglect of agriculture. Automobiles and wheat are two different propositions.

Mr. JONES of Texas. I can not yield further.

Mr. HUDSON. They do not conflict.

Mr. BRIGGS. I say they should both be promoted.

Mr. HOPE. Will the gentleman yield?

Mr. JONES of Texas. I yield to the gentleman.

Mr. HOPE. At the present time do we not recognize the fact that there is a difference in the economic studies of agriculture and industry in that we have a Bureau of Agricultural Economics and a Bureau of Foreign and Domestic Commerce, which are working independently along those lines?

Mr. JONES of Texas. Most certainly. If it is necessary to abolish the agricultural representatives in foreign countries, why do not gentlemen pursue their policy to its logical conclusion? If agriculture is simply to have for its main purpose the feeding of industry, then the theories of some folks will be carried out.

Mr. BRIGHAM. Will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. BRIGHAM. Are there not economic problems peculiar to agriculture which require expert investigations?

Mr. JONES of Texas. Most assuredly.

Mr. BRIGHAM. Does the gentleman remember the testimony of Mr. MacPhail, of the Canadian wheat pool, regarding the service which that institution maintains in all foreign countries for the purpose of making studies of the trends of the market, supply and demand problems, and the probable production of other crops as well as wheat, which that pool handles?

Mr. JONES of Texas. I am glad the gentleman mentioned that, because it is an important point. In fact, he said it would be impossible for that great cooperative organization to operate to best advantage, if they did not maintain representatives in foreign countries that form a market for their products. I want to call your attention to a thing to which my colleague, the author of the bill, adverted when he said that a little more than two years ago this matter was amicably settled between the Department of Agriculture and the Department of Commerce. I want to read an excerpt from a letter written by the then Secretary, Herbert Hoover, urging the adoption and passage of a measure almost identical in language:



The draft of "a bill to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture," as submitted to this department by your office on January 31, 1928, is a helpful step toward more uniform and better administration, in that it places the proposed staff of the Department of Agriculture on a comparable footing with the foreign commerce service, as defined in the Hoch Act of March 3, 1927. It seems to me that the passage of this measure will contribute materially toward more effective collaboration between the two services, and I hope, therefore, that it will receive early and favorable consideration by Congress.

A certain number of these men may go abroad appointed by the Secretary of Agriculture and a certain number of them appointed by the Secretary of Commerce, but if one of those departments is to have complete supervision over all of them, you may rest assured they will continue to make their prime consideration the promotion of the interests of the line of business which their department represents. This is as natural as it is for sparks to fly upward.

I want to call attention in this connection to the fact that through organization and through efforts of the various departments practically all the great commodities of commerce of this country have export reductions in railway rates from the central points of production to the points of exportation. When steel or iron or farm products or automobiles are shipped abroad the freight rates from the points of manufacture to the points of exportation are reduced all the way from 20 per cent to 40 per cent; in other words, a premium is given to industry to encourage exportation to foreign markets. It is all a part of a great scheme to develop foreign trade.

I do not object to the encouragement of foreign trade. I like to see industry developed. I think in a large measure when one develops the other develops, but for heaven's sake, quit preaching so much about equality for agriculture and do something to put agriculture on a basis of equality. [Applause.]

Mr. BRIGGS. Will the gentleman yield for a question?

Mr. JONES of Texas. Yes.

Mr. BRIGGS. Is it not true that within practically the last 12 months the exports of cotton from the United States have fallen off about 20 per cent and the wheat exports have decreased even beyond that figure?

Mr. JONES of Texas. They have been gradually falling off year after year for several years in relative percentages. It is idle to talk about balancing our agricultural production to the needs of this country, just as much as it would be to try to balance the steel production or the automobile production or any other production to the needs of this country. There are certain commodities, both raw and manufactured, that in their nature are world commodities that must supply the needs of the world, and their interests should be looked after and the marketing of such products looked after just the same as the products of industry.

Mr. BRIGGS. Is it not further the fact that unless some foreign markets are found for wheat and the other agricultural production of raw materials in this country we will see wheat selling here for far less than \$1 a bushel and the price of cotton further declining.

Mr. JONES of Texas. I have no doubt it will at least be selling at much less than it would if proper care were taken to look after the marketing of such commodities.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. JONES of Texas. Yes; but I do not want to take up all the time, because some others on this side want time.

Mr. OLIVER of Alabama. Is it the gentleman's idea we should have a separate sales force for agricultural products in foreign fields?

Mr. JONES of Texas. Practically every great cooperative organization in America maintains some sort of sales agency abroad and they should have the facilities for securing sales or for searching out places where sales may be made and ascertaining the demand in accordance with the terms of this bill, and where they may cooperate with others in trying to secure a market for our products all over the world.

Mr. OLIVER of Alabama. My question sought to elicit from the gentleman an answer as to whether the Department of Agriculture should maintain in foreign fields a force for the purpose of making sales of farm products.

Mr. JONES of Texas. I do not know that I want to give a categorical answer to that question. I think there are times when probably with the facilities there they might render such assistance if they have the opportunity. They can build up our foreign trade in agriculture as it has been built in industry.

Mr. CHRISTGAU. Will the gentleman yield? I think I can explain that point.

Mr. JONES of Texas. I yield to the gentleman.

Mr. CHRISTGAU. I think it is the purpose to have these foreign men establish contacts for the cooperative leaders in this country in foreign markets overseas, the same as the commercial attachés now establish such contacts for the industrial people of this country.

Mr. JONES of Texas. Yes.

Mr. OLIVER of Alabama. May I ask the gentleman this question? What personnel does the gentleman contemplate will be required to establish these contacts?

Mr. JONES of Texas. I am not in position to give a definite answer to that question. That will depend upon how the work develops and the need for the work and what the requirements may be and what the Congress is willing to allow for the purpose. I think it will depend largely on the work they accomplish. If they accomplish for agriculture anything like what the others have accomplished for industry, I think the force will be increased.

Mr. OLIVER of Alabama. Is the bill sufficiently broad as to place no limit on the number that may be employed?

Mr. JONES of Texas. The bill is in the usual form. It is merely an authorization. The appropriation will be a matter for the Budget and for the Committee on Appropriations and for the House to determine.

Mr. KETCHAM. Will the gentleman yield on that point?

Mr. JONES of Texas. Yes.

Mr. KETCHAM. A very material part of this whole program, and one that it seems to me should receive consideration here, is the recommendation of the Farm Board which selected 10 posts at which these representatives should be stationed, and it is my understanding that is what is contemplated under the bill.

Mr. JONES of Texas. I understand that is to be the nucleus and around that is to be built up this organization. What the future may unfold or develop I do not know.

Mr. OLIVER of Alabama. I am in sympathy with the idea of providing an agency qualified to find markets for all of our products, but I think it is a bad business proposition to start out by providing the Department of Agriculture with an unlimited force in foreign fields to sell the products of this country.

Mr. JONES of Texas. The gentleman surely is not putting that construction on what anybody has said here. It most certainly is true that agriculture is not on anything like a basis of equality with industry abroad, all of industry representing one field and all of agriculture the other. It seems to me it certainly would be proper to have a better related ratio than 5 to 6 agricultural representatives to 180 commercial representatives. Does not the gentleman think so in view of the relative importance of the two?

Mr. OLIVER of Alabama. My understanding is that where they are selecting representatives for foreign fields they take into account the fitness of the man to inquire and get information relative to what they feel should be inquired about in that field.

Mr. JONES of Texas. I have no doubt of it. This bill merely undertakes to do for agriculture what is now being done for industry. Why should one be given this service and the other denied it? Equality of treatment is a fundamental of our institutions. [Applause.]

Mr. WOOD. Mr. Chairman and gentlemen of the committee, it is not a pleasant task to oppose a measure that purports to be for the benefit of the farmer. In opposing this measure I believe that I am doing a real service to the farmer. It is not a pleasant task to oppose a measure that has been given the study that this has been given by the gentleman from Michigan, for whom I have the greatest possible respect; but in deference to duty that is common to all members, I believe that I ought to suggest to the committee the reasons why this should not become a law.

In doing this I am not only expressing my individual opposition to it, but I am expressing what I think to be the opposition of the Appropriations Committee, which will be left entirely in the blind, as the gentleman from Michigan, its author, admits. I am also expressing what I think to be the opinion—if I am correctly advised—the opposition of the President of the United States, the Secretary of Agriculture, the Secretary of Commerce, and the Federal Farm Board.

None of these agencies wants this bill passed. That being true, is it not a futile thing for us to pass it? Is it simply a gesture, because of the election that is coming, that we are doing something for the farmer? We better be doing something for the farmer that has some real merit behind it, and we ought to have the courage to let the farmers know that we are trying to help them where help is possible and trying to defeat mere subterfuges.

In my time the commercial attachés were created. To-day we are spending more than \$5,000,000 abroad in payment of salaries, expenses, clerks, and so forth, of the Foreign Com-

merce Service. We were told at that time that the expense would be merely nominal. Gentlemen have been asking how much it will cost to carry out this law, and they frankly say that they do not know. I want to say that it is just like every initiative of this character, that it grows and grows and grows.

All I have to do is to call attention to one paragraph in the bill which gives away the whole thing.

On page 3, subsection (b), it provides:

The Secretary of Agriculture shall appoint the officers of the foreign agricultural service to such grades as he may establish, with salaries in those grades comparable to those paid other officers of the Government for analogous foreign service.

So he has no limit except the maximum that is now being paid to Foreign Service employees of the United States.

Mr. FULMER. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. FULMER. The gentleman says we are paying \$5,000,000 for foreign service; can the gentleman give the figures spent by the Department of Commerce out of the \$5,000,000?

Mr. WOOD. Yes; I will state here, and if I can not give them all I will put them in the RECORD. I have spent some time abroad inquiring and studying the relationship between our foreign services. We have more than 4,000 men to-day in our Foreign Service whose duties are to do the things that we would like to have done by this bill. There was great opposition coming from the State Department at the time that the commercial attachés were created.

The Consular Service of the country was created primarily to take care of those duties. The time came when it was thought that it was not being sufficiently attended to, and a bill passed the House creating the commercial attachés to go to foreign nations. From the very minute that they were created down to this hour there was conflict between the two agents—conflict as to jurisdiction and conflict as to duty. That has been ironed out in some degree, but it exists yet, depending largely upon the personality of the individuals representing us in these various capacities. It is somewhat like the judgment of courts. Every lawyer here knows that there was never a court created in the United States or elsewhere that was not jealous of its jurisdiction. Under the fundamental law it is a part of the duty of the Consular Service to look after the commercial interests of the United States. True, they have other duties. The debates had at the time that we established the commercial attachés will show that one of the things in favor of their creation was that the agricultural interests of this country were not sufficiently represented abroad.

I think the gentleman from Michigan [Mr. KETCHAM] said that the prime purpose of creating these agricultural attachés is to place them in contact with those interested in agricultural pursuits abroad. That is the prime purpose of it as it is the prime purpose of our consular agent and our commercial attaché. It is to place in contact the dealers over there with the producers over here. I have always understood that one of the prime articles of production in this country in which our commercial attachés should take especial interest are the products of the farm, and I say to you that my experience has been—and this will be yours if you go over there at any time—that the commercial attachés of this country are doing their level best and spending more time upon it than upon any other subject, in getting that contact with respect to agricultural products.

Mr. SPROUL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. SPROUL of Kansas. I have made personal inquiry of the officers of the Department of Commerce as to what has been done in that regard, and have been informed that our attachés are not suitably adapted to the finding of markets for agricultural products. That was something that I was advised needed correcting. I am not out of harmony with the idea advanced by the gentleman that it ought to be done under the Department of Commerce, but it would seem that men especially adapted and fitted for finding these markets for farm products should be selected.

Mr. WOOD. The gentleman's query is the greatest indictment of this bill. If he is correct, then those commercial attachés have been derelict in their duty. If he is correct, the attitude of the State Department and the Commerce Department and the Agricultural Department should be to correct that very thing. We are spending too much money without results.

Mr. COLE. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. COLE. It was my good fortune last summer to be in several of the South American capitals and I was in close contact with the American attachés. I think I know something

about farm products, because I have dealt in those products all of my life. Those attachés knew more about agricultural products than they did about the manufactured products. There was not a bit of information that I asked for that I could not obtain from those attachés. They did devote time and attention to agricultural products, and they are well qualified for it, and it ought to be made their duty.

Mr. WOOD. The experience of the gentleman from Iowa has been mine. Naturally, we associate commercialism more with industry than we do with agriculture, and I expected to find that true over there, but the converse is true. We have our Consular Service, paid for doing what they can to extend our commercial interest. We have our commercial attachés who are doing the same thing. As I have said, and the gentleman from Iowa confirms it, they are doing more in that direction than in any other direction. When are we going to stop? If we are going to have agricultural attachés, we ought to have Labor Department attachés and attachés for every other branch of the Government. It is true that there is some specialization that might be had with reference to these things that can not be had with reference to others, but are we to appoint specialists for all things that are possible to the United States? Just see how ridiculous that thing would become, and the argument in favor of it falls of its own weight.

Mr. COLLINS. The gentleman knows that the Army and the Navy have their attachés also. They call them military intelligence officers. I think that is a bad name.

Mr. WOOD. I do not think they contribute much to the point in view. I shall now call attention to some facts that are not assertions of mine but are conclusions of those whose business it is to advise this Congress. It is a most unfortunate time, even though the bill were to pass eventually, to do the things sought to be done in this bill. There ought to be some understanding, some coordination, some cleavage between these various activities. They are now feeding on each other, and gentlemen would be amazed if they would but read the hearings before the Committee on Appropriations. That is one reason I felt it my duty to bring this matter to your attention to-day. I know it is the popular thing to do this or that, because there is a public clamor for it. We gentlemen here are supposed to be deaf to clamor but open to argument and submissive to common sense judgment.

Let me read this to you:

The Bureau of Foreign and Domestic Commerce now maintains 61 offices in foreign countries to which are attached 186 appointive officers and 258 clerical employees. The State Department has abroad 358 offices, 556 consular officers, and 1,709 clerical employees, devoting the major part of their efforts to commercial and economic reporting.

This vast organization is now devoting its continuous attention to foreign production of and demand for agricultural products as well as to the products of every other industry figuring in international commerce. It can readily supply, without further augmentation, at least two-thirds of the data needed by the Federal Farm Board to visualize the world outlook for major farm products.

They can supply the Farm Board to-day with two-thirds of the information that they may need, and in addition to that, under the law creating this Farm Board, they have authority without stint to send their representatives in specifications, in general information, to get anything that they may need.

Mr. OLIVER of Alabama. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Certainly.

Mr. OLIVER of Alabama. And \$500,000,000 is authorized to cover any expenditures they may feel are required.

Mr. WOOD. Yes.

Mr. KETCHAM. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. KETCHAM. In answer to the statement of the gentleman from Alabama [Mr. OLIVER], the Federal Farm Board has set aside a sum for the care of these additional attachés.

Mr. WOOD. Even so; and it may be assigned to the Agricultural Department for the purpose.

But why confound confusion? Every man here knows, and the gentleman from Michigan [Mr. KETCHAM] knows that we have already got too much confusion with reference to this Farm Board legislation to-day. I want you to listen to this, gentlemen:

If an agreement for complete cooperation without duplication of effort which recently has been entered into between the Farm Board, the Department of Agriculture, the Department of Commerce, and the Department of State should become effective it will be easily possible to round out the existing foreign service of the Department of Commerce so as to provide the Farm Board and the Department of Agriculture with all the information from abroad which they require. Also



this can be done without asking Congress for additional appropriations, since Farm Board funds are now available for this work and can be turned over to the Commerce Department without further legislative action.

If that be true, why are we trying to handicap and hamstring the very purpose that we wanted to serve?

Mr. KETCHAM. Mr. Chairman, will the gentleman yield again in that connection?

Mr. WOOD. I yield.

Mr. KETCHAM. That would be accomplished without action by the Congress of the United States in transferring the sum needed from the Department of Agriculture to the Department of Commerce; and the gentleman from Indiana is too good a parliamentarian not to know that any such proposition brought in would go out on a point of order as legislation by the Committee on Appropriations.

Mr. WOOD. That would be true if there is any virtue in the proposition. Just a little bit of an authorization bill, dropped in the basket, would cure the evil and be an authorization to do the thing that the gentleman from Michigan says can not be done.

I want to say to you here that there is not an appropriation bill that comes before our committee but what inevitably has some legislation in it; and I want to say to you, not taking upon myself any virtuous professions in this thing, but giving the credit to the leader on the Democratic side [Mr. GARNER] more than anybody else, you do not see much of that kind of thing any more; and when it comes before us, we call it to the attention of the legislative committee and ask them if there is anything objectionable in it, and they give us an authorization.

Mr. KETCHAM. A simple little authorization bill, dropped in the basket, is the identical kind of bill that we have before us this afternoon, to do a thing that the gentleman and everybody else desires to be accomplished.

Mr. WOOD. A little bill dropped in the basket goes to the Secretary of Agriculture without limit except the amount to be paid to foreign employees. I will tell you what will happen: The Agricultural Department with more excuses, or at least as many, would have a bigger army in a few years than the Department of Commerce had in the same length of time.

Mr. KETCHAM. The gentleman's attitude with reference to this bill and the fact that he is chairman of the Committee on Appropriations would prevent me from having any fear that too many men would be appointed, even if recommended by the Secretary of Agriculture.

Mr. WOOD. As to that, I will say that we pass bills here without counting the cost, and if the appropriation is not made they come to the committee and say that we violate the spirit of Congress because it said they should do this. That is what happens. It takes a good deal of courage to undertake to turn down what is supposed to be the will of Congress.

I admonish the Congress now that we had better reform our practice and find out, before we commit ourselves, what the ultimate cost of our action will be.

Mr. DOWELL. Mr. Chairman, will the gentleman yield for a short question there?

Mr. WOOD. Mr. Chairman, how much time have I got?

The CHAIRMAN. The gentleman has 25 minutes remaining.

Mr. WOOD. I yield to the gentleman.

Mr. DOWELL. Unless an authorization is made by this or some other bill, no appropriation can be made under the parliamentary situation. In other words, the Committee on Appropriations can not make a report of this unless there is an authorization for it.

Mr. WOOD. That is true.

Mr. DOWELL. And this is the little authorization that gives to the Committee on Appropriations the power to make the appropriation.

Mr. WOOD. That is absolutely correct. There is no dispute about that thing at all. But I want to say to the House here that that is a thing that we are not sufficiently mindful of. Somebody has said—and I have heard half a dozen people say to me when they found out that I was opposed to this bill—"Let us take and pass it because the farmers want it, and let the President veto it because of its want of virtue." That is a cowardly thing. This Congress should not shift the burden on the President of the United States. We should be big enough, and we are big enough, to express our own opinion on this thing.

Mr. SPROUL of Kansas. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. SPROUL of Kansas. May the necessary number of attaches now employed, who are not specially fitted for the finding of agricultural markets, be removed and be substituted by employees of the Department of Commerce who are qualified?

Mr. WOOD. Absolutely. There is not any question about that, and, they would be derelict in their duty if they found a man who was not representing this country with reference to this thing, if they did not dismiss him from the service. There is no question about that.

Mr. KETCHAM. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. KETCHAM. I want to advert to a statement made by the gentleman from Indiana [Mr. WOOD] a moment ago. I think, in fairness to the gentleman himself, he should not have made that statement. The statement which the gentleman made was that these officers would be appointed by the Department of Commerce. That statement was in error.

Mr. WOOD. Yes.

Mr. KETCHAM. I think in all fairness it should be stated that it is proposed even under the proposition which the gentleman's committee has under consideration, that these officials shall be appointed by the Department of Agriculture.

Mr. WOOD. Yes.

Mr. KETCHAM. And they shall be subject to, and shall report to agriculture, but the purse strings shall be held by the Department of Commerce, and that is what we desire to avoid.

Mr. WOOD. Yes. That is exactly what the desire is. And the very suggestion shows the conflict and controversy that will occur. It has occurred, and it has taken 10 years to partially wipe out that controversy under the existing departments, the Department of State and the Department of Commerce. It will take 20 years, on the same basis, to wipe this out, because we will have another agency in conflict. We will have not only the Department of State but the Department of Commerce, and there will be three conflicting elements now where there were but two before. If the whole thing was not already provided for and sufficiently provided for, it is a very easy thing to amend, and, as the gentleman from Kansas [Mr. SPROUL] inquired a moment ago, if they find men who are not efficient and fit to do the duty that is required of them, to take care of our agricultural interests over there, all that is necessary is to report it, and, upon examination, if they are found to be guilty, they will be dismissed from the service. So do not let us add confusion to confusion that is already confounded.

Now, I want to call attention to a few other items:

Notwithstanding, and despite the opposition of the President to setting up a third Foreign Service when the two already functioning can provide everything required, S. 2043, providing for a complete agricultural Foreign Service, has been passed by the Senate.

I know this bill is sponsored by the gentleman from Michigan [Mr. KETCHAM]. I hope it is not sponsored by the gentleman from Iowa [Mr. HAUGEN], who is a friend of the farmer. I do not mean to say by that that the gentleman from Michigan [Mr. KETCHAM] is not a friend of the farmer, for he is. I think it is fair to the gentleman from Michigan [Mr. KETCHAM] to say in passing that there has been more double-crossing in this bill than any bill that has come to my knowledge since I have been a Member of this Congress. I need not make any excuses for him, but I do say that I believe if the gentleman knew six months ago what he knows to-day he would not have sponsored this bill.

In October, 1929, after an investigation of the best way to supply the Farm Board with the information it needs, the investigating committee recommended that a more complete information service in foreign countries on agricultural products be set up by having the Department of Agriculture turn over to the Department of Commerce its present small foreign organization—five foreign offices—and that the Farm Board turn over additional funds to the Department of Commerce so that the latter would receive approximately \$400,000 in addition to its present appropriations. These funds are to be used in paying salaries and expenses of agricultural specialists to be selected by the Department of Agriculture and to follow a program of work decided upon by the Department of Agriculture and the Farm Board, but to be appointed in the Foreign Commerce Service of the Department of Commerce and to be paid from Department of Commerce funds. This arrangement was agreed to by Chairman Legge, of the Farm Board; Secretary Hyde, Department of Agriculture; and Secretary Lamont, Department of Commerce. It also has the approval of President Hoover.

This is strictly in accord with the authority given the Federal Farm Board in the marketing act to "keep advised from any available sources and make reports as to crop prices, experiences, prospects, supply and demand, at home and abroad" page 4, subsection 3, marketing act. This would be duplicated by the proposal for a separate agricultural Foreign Service.

Gentlemen, these agencies are supposed to be the advisors of this Congress. They know what this means. It means not only duplication but it means conflict, detrimental to the very service that we would subserve. That is the reason I said that in opposing this measure, in my belief, those who are in opposition to it are more friendly to the farmers. I do not believe there is any sensible farmer in the United States to-day who, if he knew the conditions, would favor this bill.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. OLIVER of Alabama. The Congress has already shown some interest in trying to coordinate the different agencies of government so as to bring about economies. Only the other day it sought to bring under one head many matters relating to veterans. The gentleman will recall that we are now endeavoring to bring under one head many of the different agencies employed on the border by different departments. Of course, so long as separate legislation is passed giving to one department the right to appoint a number of employees the more difficult it becomes to bring about this coordination that all are seeking to accomplish with a view to efficiency and economies in the administration of the law.

Mr. WOOD. That is the very point, made very explicit and plain, which I tried to make a while ago when I said that the more of these conflicting agencies you have the more difficult will be made the administration of any law and the more difficult to accomplish the purpose of any one of these laws.

Mr. COLLINS. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. COLLINS. The gentleman from Indiana [Mr. Wood] understands that their duties will be almost entirely social, does he not?

Mr. WOOD. No. I can not subscribe to that.

Mr. COLLINS. What else will they have to do?

Mr. KETCHAM. Will the gentleman yield right there?

Mr. WOOD. I want to answer the gentleman from Mississippi [Mr. COLLINS] in the first place. They would have more time for social duties. Of course, we enlarged the Army. It was gratifying to me, however, in my two visits over there, to find that we were having fewer gentlemen representing the Government service of this country to-day who were wearing spats and carrying canes than there were 20 years ago.

Mr. KETCHAM. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. KETCHAM. If it is the custom of the men in our Foreign Service to wear spats, will the gentleman please answer me this: Is it not fair to have the farmers in the gentleman's State of Indiana who might be named as attachés given an opportunity to wear spats like the rest of them?

Mr. WOOD. I will say in answer to the gentleman that if I were a candidate for Congress I would have very poor hopes of my success if I carried a cane and wore spats out among the farmers. [Applause.]

Mr. JONES of Texas. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. JONES of Texas. Aside from all that, does not the gentleman think that our foreign commercial representatives have done a great deal in expanding our world trade?

Mr. WOOD. They have.

Mr. JONES of Texas. Does not the gentleman think that the same fine work might be done in securing agricultural markets in those countries as well?

Mr. WOOD. I say, they are doing it now, and I think this bill will be a reflection upon the men who are now rendering service over there. It would not be helpful. But do not misunderstand me, gentlemen. The State Department, the Department of Commerce, and the Department of Agriculture, who must know something about this thing, are in a better position to decide what is best for the future with reference to amendments or cures than we are here.

Mr. JONES of Texas. Some years ago there was a demand for the passage of a bill for the Department of Commerce and one for the Department of Agriculture. The commercial bill was passed, but the bill for agriculture has been running on the rocks ever since.

Mr. WOOD. Oh, no. The gentleman does not mean to be unfair.

Mr. JONES of Texas. No; I do not.

Mr. WOOD. The Department of Commerce, as I have stated—and it has been confirmed by the gentleman from Iowa—has done more service for agriculture than for the manufacturers.

Mr. BURTNESS. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. BURTNESS. If I understand the gentleman correctly, he feels that the Bureau of Foreign and Domestic Commerce has done a very valuable work?

Mr. WOOD. Yes.

Mr. BURTNESS. But if we follow the gentleman's reasoning to its logical conclusion was not the establishment of that bureau an insult, so to speak, to the State Department, and if we follow his reasoning to its logical conclusion, was it not a mistake to establish the Bureau of Foreign and Domestic Commerce and should not that work have been given to the State Department?

Mr. WOOD. I think I answered that a while ago. It might have been well to do so. I think it would have been far better to have this thing in one department, infinitely better, because of the natural conflict which occurs between these contending forces, and we are only going to add a little more trouble to that thing. Some of these days—and I am only making a guess at it—there will be some head to the relationship of the United States and our interests abroad, when all of these forces may be combined under the direction of one head, but the conflicts which we know exist now—just as surely as we know the sun will rise in the morning—will only be intensified and multiplied if you pass this bill.

Mr. BURTNESS. If the gentleman will yield further, as a member of the Committee on Interstate and Foreign Commerce, I was glad to support the legislation recommended by the then Secretary of Commerce, Mr. Hoover, and I have favored giving the Bureau of Foreign and Domestic Commerce proper appropriations ever since that time. The gentleman well knows that members of his committee, like the gentleman from Pennsylvania [Mr. SHREVE] and the gentleman from New Jersey [Mr. ACKERMAN], have shown us year by year the work that has been done by that department. When that recommendation came to us from the Department of Commerce, the same Secretary seemed to be just as much interested in establishing a separate bureau in the Department of Agriculture.

He made his reports and wrote letters accordingly to the chairmen of the various committees. To-day he is President of the United States; and are we to understand the gentleman to say that the position taken by Mr. Hoover when he was Secretary of Commerce with reference to these matters has been entirely changed and that he takes a different position to-day?

Mr. WOOD. I will say yes, and I will tell the gentleman why. There have been vastly changed conditions. One of the reasons why we were called together in extraordinary session by the President of the United States was to furnish relief to the farmer. As a result of that we created the Farm Board. We put certain things under the jurisdiction of that board, and amongst them was the supplying of this information, which can be gathered here, there, and yonder without any limitation as to cost. Now, then, are we going to throw a monkey wrench into that machinery? Are we going to handicap that board? Are we going to make their efforts futile? That is the reason why the President of the United States has changed his position. I want to say to you that the President of the United States is as firmly opposed to this legislation to-day as it is possible for him to be opposed to any measure.

Mr. BURTNESS. Of course, we are all glad to get the information, but the gentleman does not claim that the Federal Farm Board to-day has any representatives in Europe securing information regarding world competition and the demand for agricultural products?

Mr. WOOD. Yes; they have. Under the law, every one of these commercial attachés and every consular officer of the United States is there for that purpose, and in addition to that they can send specialists.

Mr. BURTNESS. My question was limited as to whether or not the Farm Board to-day has representatives abroad getting that information, or whether they are limited to the information obtained through the State Department and through the Bureau of Foreign and Domestic Commerce.

Mr. WOOD. If they are limited it is their fault. However, we can not expect them to take such vast machinery as is contained in this Farm Board and put all the cogs into operation within 24 hours. I hope they have too much judgment to do that, because that would result in chaos.

Mr. BURTNESS. From the information and knowledge I have of the legislation providing for the Bureau of Foreign and Domestic Commerce and enlarging it from time to time, I have always understood that primarily it was to be a commercial agency. That was only natural when at the same time there was pending before Congress, and recommended by the same department heads, another proposal that would take care of agricultural interests.



Mr. WOOD. Let me give you some information on that point.

Some time last summer, 1929, the Farm Board had an outside committee, headed by Dean Gay, of Harvard, make an investigation of information available from Government departments and suggest further development. This committee recommended, among other things, the development of a more complete information service in foreign countries on agricultural products. Some time last autumn the Federal Farm Board asked the Department of Agriculture to undertake the establishment of such a service.

It developed that the President did not favor the setting up of a third foreign service in addition to that maintained by the Department of State and Department of Commerce. He felt that such new service to be set up should be in cooperation with the Department of Commerce.

This arrangement was agreed to by Chairman Legge, of the Farm Board; Secretary Hyde, Department of Agriculture; and Secretary Lammont, Secretary of Commerce, and correspondence on file confirms the understanding. To work out details a liaison committee was set up between the three agencies. In a preliminary report from this committee it was agreed:

(a) That experts and specialists on agricultural commodities should be selected by the Department of Agriculture.

(b) That these men would be placed on the pay roll of the Department of Commerce, and assigned for administrative purposes to the administrative officer in charge of commerce officers in foreign countries.

(c) They will receive their directions from the Department of Agriculture and report back to that department.

(d) Money to pay their maintenance and expenses will be transferred from the Department of Agriculture to the Department of Commerce, or directly from the Farm Board to the Department of Commerce.

In areas where agricultural specialists are not located it is expected that the commerce officers will cooperate by collecting information—about two-thirds of the total work.

It is further understood that the special officers appointed through the Department of Agriculture will devote their energies to following crop and livestock information and a study of factors affecting supply and demand.

Trade promotion functions are to be carried out by the Department of Commerce also.

The above arrangement will eliminate duplication of work and facilities, reduce overhead costs, and utilize the facilities of both the Department of Agriculture and the Department of Commerce abroad in collecting agricultural information.

Mr. BURTNESS. What report is the gentleman reading? The gentleman has read it twice, but I did not catch what it was.

Mr. WOOD. No; I have not read this before.

Mr. BURTNESS. Will the gentleman tell us what the report is?

Mr. WOOD. This is the report of the gentlemen who were acting together to coordinate these activities.

Mr. OLIVER of Alabama. If the gentleman will permit, may I say that as I understand the Budget has sent up a report showing that these different agencies to which the gentleman has referred have agreed that where it is found necessary to send representatives abroad the representatives may be suggested by the respective departments, but the funds for paying them will be carried in the appropriation for the Department of Commerce, and their reports are transmitted to the departments especially interested. I submit this is good administration.

Mr. BURTNESS. So this report is in reality the report of the Budget?

Mr. OLIVER of Alabama. The Budget in sending that estimate reflects the understanding of the different departments as to how these matters should be handled. It may require some legislation and that is why the gentleman has suggested you should prepare a bill and drop it in the basket, and there should be no objection to such bill.

Mr. WOOD. Mr. Chairman, I reserve the balance of my time and submit the following statements showing employees abroad in the Departments of State and Commerce:

#### Department of State

|  | Officers | Clerks | Other employees | Total |
|--|----------|--------|-----------------|-------|
| Latin America.....                           | 195      | 343    | 280             | 818   |
| Europe.....                                  | 264      | 1,064  | 476             | 1,804 |
| Near East.....                               | 69       | 134    | 160             | 363   |
| Far East.....                                | 162      | 247    | 312             | 721   |
| Canada.....                                  | 60       | 175    | 62              | 297   |
| Africa (other than Egypt and Abyssinia)..... | 25       | 41     | 48              | 114   |
| Total.....                                   | 775      | 2,004  | 1,338           | 4,117 |

Prepared May 6, 1930.

#### Department of Commerce

|                      | Offices | Appointive officers | Local employees |
|----------------------|---------|---------------------|-----------------|
| Europe.....          | 25      | 77                  | 147             |
| Asia.....            | 7       | 21                  | 29              |
| Africa.....          | 3       | 9                   | 9               |
| South America.....   | 8       | 29                  | 28              |
| North America.....   | 5       | 12                  | 16              |
| Central America..... | 3       | 9                   | 4               |
| West Indies.....     | 3       | 9                   | 3               |
| Australasia.....     | 7       | 20                  | 22              |
| Total.....           | 61      | 186                 | 258             |

Mr. KETCHAM. Mr. Chairman, I yield five minutes to the gentleman from South Carolina [Mr. FULMER].

Mr. FULMER. Mr. Chairman and gentlemen of the committee, I am frank to say if there is anything wrong with this bill, the bill does not go far enough.

We have quite a number of Members here, day in and day out, speaking about farm relief; and some of the Members go so far as to vote a tariff duty of 42 cents per bushel on wheat when they know they can not make it apply; but when legislation is offered proposing to put the Department of Agriculture on all fours with the Department of Commerce, we always have some Member rising up like Amos and hollering out "Ooweah, ooweah."

The Department of Commerce is doing very fine work, and I am for the Department of Commerce. The gentleman from Indiana [Mr. Wood] made the statement a few moments ago that we are spending something like \$5,000,000 for foreign service, largely for the Department of Commerce. I want to call the attention of the committee to the fact that the Department of Commerce is representing an altogether different constituency, which is composed largely of manufacturers and commercial interests, to that of the Department of Agriculture. This department is going out after information and foreign markets, helping to increase exports for manufacturers and the commercial interest. Exports of manufactured goods are increasing annually, while agricultural exports are decreasing. I may call your attention to the wonderful increase in exports of farm implements, tractors, and improved farm implements.

My friends, do you think for a moment that the men we have in foreign countries representing these special interests are concerned about finding markets for the products of our farmers? The Department of Commerce represents largely the same type of people that are represented by the United States Chamber of Commerce, located here in the city of Washington, and you know how the chamber of commerce feels toward agriculture and the Farm Board. They, too, are long in speaking for agriculture until the time comes when they feel that we are about to pass some legislation in the interest of agriculture. You noticed what happened some days ago down in the chamber of commerce, how they passed a resolution condemning the Federal Farm Board. Yet two years ago they passed a resolution indorsing farm relief.

I want to say, my friends, I think it is absolutely a shame on the part of the great Committee on Agriculture and the Congress that up to this present time we have neglected to pass legislation creating a service in foreign countries equal to that of any other department of this Government to look after the interests of agriculture of this country.

I believe, as has been stated by the Federal Farm Board, that we need men in foreign countries to get information and look into the market situation for agricultural products of this country.

The Federal Farm Board to-day is dealing with world markets in handling wheat and cotton and will be unable to cope with the situation, with the opposition on the part of the chamber of commerce and other interests that have been handling the agricultural interests up to this time, unless they can get this foreign service through the Department of Agriculture, which is directly interested in agriculture.

The gentleman from Indiana [Mr. Woods] states that the President of the United States is against this legislation. Let us see what the President had to say about an identical bill introduced in Congress about two years ago. I quote from a letter written by the President to the Secretary of Agriculture at that time:

FEBRUARY 1, 1928.

Hon. W. M. JARDINE,

Secretary of Agriculture, Washington, D. C.

MY DEAR MR. SECRETARY: The draft of "A bill to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture,"

as submitted to this department by your office on January 31, 1928, is a helpful step toward more uniform and better administration in that it places the proposed staff of the Department of Agriculture on a comparable footing with the Foreign Commerce Service as defined in the Hoch Act of March 3, 1927. It seems to me that the passage of this measure will contribute materially toward more effective collaboration between the two services and I hope, therefore, that it will receive early and favorable consideration by Congress.

Faithfully yours,

HERBERT HOOVER,  
Secretary of Commerce.

Since the United States Chamber of Commerce has spoken in the passing of a resolution some days ago condemning the President's agricultural policy, perhaps the President has changed his mind. Regardless of his position at this time, we of the South and West, realizing the serious condition of agriculture and knowing the attitude of the United States Chamber of Commerce, the mouthpiece of special interests, toward this legislation, should stand together and place this bill on the desk of the President, where he can use his own good judgment as to whether or not he should veto the same.

Members of the Appropriations Committee are fighting this bill on the grounds of economy, yet they have voted appropriations for the Department of Commerce for foreign service running into the millions of dollars. It is true that most of you who represent manufacturing districts in opposing this bill are willing at all times to vote millions for agriculture, but it is being spent largely to make two springs grow where one used to, thereby increasing the production to the extent of creating a surplus. This is in line with the policy of those whom you represent, who want cheap raw materials. There are just two ways to bring this about—overproduction and decreased exports.

I am perfectly willing to divide the personnel of the foreign service of the Department of Commerce so as to give to agriculture its own foreign service. You state that this foreign service is now doing the work of the Department of Agriculture in foreign fields. We know that it is not satisfactory; that is, we are not getting results; and in the meantime agriculture is fast fading out of the picture, while industry, represented by the Department of Commerce, is expanding by leaps and bounds.

We see lots in the press and by reports from the Department of Commerce about the increased production of cotton in foreign countries; also how other noncotton-growing countries are going to their neighbors for cotton and cotton goods, thereby decreasing the exports of this major farm product. I firmly believe that the manufacturers of this country have persuaded the Republican administration to so increase tariff rates until a great many foreign countries are refusing to buy in this country what they can get elsewhere. This may account for the decrease in exports of cotton. Do you believe that this foreign service representing the Department of Commerce, which directly represents this great manufacturing interest, would for a moment disturb the profits of these interests by looking after agriculture? These matters would be of vital interest to the Federal Farm Board and to agriculture.

I am glad to see the farm bloc functioning on this bill and hope that you who represent agricultural districts will take due notice of the very active part of our colleagues who represent large manufacturing centers trying to defeat this legislation at any price or by any method. Certainly there has been someone besides the President of the United States speaking to these boys. Just think what it would mean to agriculture if only we who represent agricultural States and districts would stand together like these servants of the special interests.

I hope, my friends, that this bill will pass. It is only a beginning whereby we hope to take agriculture out of the hands of the enemy and put it on an equal fighting basis for the rights of those who feed and clothe the world. [Applause.]

Mr. WOOD. Mr. Chairman, I yield three minutes to the gentleman from Alabama [Mr. OLIVER].

Mr. OLIVER of Alabama. Mr. Chairman, the gentleman from Indiana [Mr. Wood] has called attention to the cooperative arrangements between the Farm Board, the Department of Agriculture, and the Department of Commerce for setting up a foreign agricultural information service, and which, in my opinion, makes unnecessary the passage of this bill. My information is that some time last summer the Farm Board appointed a special committee, headed by Dean Gay, of Harvard, to make an investigation to determine what information was available from various departments and to suggest what further developments seemed necessary in order to provide the board with the data necessary for the furtherance of its work.

The committee's investigation brought out the fact that the Department of Commerce, with a budget of approximately \$300,000, had been for some time collecting and disseminating

information on foreign markets for agricultural products. They had at various times cooperated with the tobacco industry and the tobacco cooperatives, as a result of which they had set up a very complete service in this field. Considerable work had also been done with the cotton trade and the textile trade on both cotton and wool products that had an important bearing on the marketing of raw cotton. In practically every foreign field where the demand for food products indicated a potential market for American foodstuffs, special attention was given to this phase of the department's work and in addition to that, special trade commissioners on grain, citrus fruits, meats and meat products, vegetable oils and fats, dried fruits, and nuts had been maintained by the Department of Commerce for a number of years. The Department of Agriculture also had three foreign offices and a staff of specialists on foreign agricultural information, specializing primarily on crop estimates and outlook in the foreign countries to which they were assigned, but at the same time giving some attention to market possibilities in particular lines.

After a review of the work being done by these two departments, the special committee recommended among other things the development of a more complete and properly coordinated information service in foreign countries on agricultural products.

Acting upon this recommendation of the committee, the Federal Farm Board called together representatives of these two departments to undertake the establishment of such a service. It was their desire that the various Government departments, particularly Agriculture and Commerce, cooperate in working out an information service which would provide it with the most complete information available. It seemed obvious that the functions of both these departments would necessarily keep them engaged in this foreign-reporting service and there was great danger of overlapping and duplication of work if organized under two separate administrations.

In order to overcome this, various conferences were held between representatives of the Department of Agriculture, Department of Commerce, and the Farm Board, and a plan was agreed upon—which was approved by Chairman Legge, Secretary Hyde, and Secretary Lamont, and finally by the President—under which duplication of effort and administrative difficulties would be avoided, and which provided for a thoroughly effective system of reporting. This agreement was essentially as follows:

(a) A staff of agricultural specialists and experts to be assigned to several foreign posts; these experts to be selected and their work to be directed by and their reports submitted to the Department of Agriculture, but for administrative purposes to be attached to the office of the commercial attaché at their respective posts. (These agricultural specialists to be located at London, Berlin, Paris, Marseilles, Copenhagen, Bucharest, Buenos Aires, Melbourne, Johannesburg, and Shanghai.)

(b) A special administrator to be appointed by the Department of Agriculture, but on the pay roll of the Department of Commerce, to supervise and direct the collection of information in foreign countries on crop and livestock production and factors affecting supply and demand.

(c) In order to insure administrative control, funds for the maintenance of this service to be made available to the Department of Commerce by the Farm Board and the Department of Agriculture.

In addition to the above agreements, it was arranged that in areas where agricultural specialists were not assigned under this plan the Department of Commerce officials already stationed in the field would collect and make available to the Department of Commerce, in addition to their regular reporting service on market possibilities, information on crops, livestock production, and factors affecting supply and demand as required by the Department of Agriculture.

Under this arrangement whereby the agricultural specialists were to be assigned to the office of the commercial attachés they would have exactly the same status as other foreign-commerce officers, entitling them to the same courtesies now extended to the representatives of the State Department and the Department of Commerce, and thereby removing such difficulties as liability to taxation in foreign countries, and so forth.

Finally, this agreement is thoroughly in accord with the action taken by President Coolidge in his administrative order of April 4, 1924, providing for a complete interchange of all information bearing upon the promotion and protection of American interests. Under the terms of this order an arrangement has been worked out whereby the Departments of State and Commerce are now working in very close harmony, and under which all duplication and overlapping functions have been eliminated.

The point completely overlooked in connection with the proposed bill is the fact that under the marketing act which established the Farm Board all plans agreed upon prior to that act have been superseded, which explains the President's present attitude toward this bill. In other words, there is a specific provision in the marketing act which authorizes the Farm Board



to arrange and set up the necessary foreign marketing services, under which authority it can take over the functions of the Department of Agriculture in this particular field, organizing such service itself or reestablishing the service in any of the three departments now having foreign activities. As indicated in the above-mentioned agreement, the decision of the Farm Board was to place this marketing service administratively under the Department of Commerce so as to provide the best possible and most expeditious service without duplication of effort. Reasons which prompted this were that it would take years to build up a separate organization, and due to an absolute need for prompt and efficient service it seemed of the utmost importance that the new service should be set up within an organization having an already established world-wide service.

Mr. KETCHAM. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. LOZIER].

Mr. LOZIER. Mr. Chairman, I always listen with interest and profit to the statements of the gentleman from Indiana [Mr. Wood]. Although he is a robust partisan, he has a clear mind, and I believe he is intellectually honest, but I can not follow him in his opposition to this bill. He has given no worth-while reason why this legislation should not be enacted. He may reflect the attitude of President Hoover, the Secretary of Commerce, the Secretary of Agriculture, and the Republican leaders in and out of Congress, but most certainly he is not reflecting the wishes of the agricultural classes of America.

It is well known that all the influence of the Hoover administration has been marshaled to defeat this bill, that has the approval of practically every great farm organization in the United States. In its effort to strangle this legislation, the administration forces, consisting largely of high protectionists, are being led by the gentleman from Indiana, the "Rupert" of congressional debate, always frank, fearless, and rash in the expression of his views and tireless in his activities. As chairman of the great Committee on Appropriations, the gentleman from Indiana wields a powerful influence as a spokesman and champion of administration policies. He is invincible when his cause is just, and resourceful and dangerous even when his cause is without substantial merit, for he "draweth out the thread of his verbosity finer than the staple of his argument."

The gentleman is always nimble and plausible in assigning reasons why legislation should be enacted or defeated. But when political exigencies require he can, like Flimnap, Lord High Treasurer of Lilliput, turn several summersaults while performing on a tight rope no larger than a common packthread. But in the instant case the gentleman's argument is neither ingenious or convincing. He has given no reason why Congress should not give the American farmers the same chance to find new markets for their products that it has given to the manufacturers to sell their surplus commodities abroad.

The pending legislation was conceived in the great brain of Secretary of Agriculture Henry C. Wallace, who has crossed over the great divide after an honorable life which was helpful to his fellow men and especially beneficial to the agricultural classes, whose champion he was and whose interests he served with unfeigned devotion.

The purpose of the pending measure, H. R. 2152, is—

To promote the agriculture of the United States by expanding in a foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture and for other purposes.

Also, for—

Encouraging and promoting the agriculture of the United States and assisting American farmers to adjust their operations and practices to meet world conditions.

The bill provides for the appointment of representatives of the Department of Agriculture to acquire information regarding world competition and demand for agricultural products and the production, marketing, and distributing of said products in foreign countries, and disseminate the same through agricultural extension agencies and by other means.

These representatives in foreign countries would also investigate economic phases of the agricultural industry, and, as far as is necessary to carry out the purposes of the act, conduct abroad any activities, including the demonstration of standards for cotton, wheat, and other agricultural products, in which the Department of Agriculture is now authorized or in the future may be authorized to engage; and to obtain statistics as to agricultural production and conditions in other nations, and to directly or indirectly seek out and open up new markets for American agricultural commodities.

In other words, the ultimate and real purpose of this legislation is to find foreign markets for the surplus agricultural commodities produced by the American farmers; to interest the

population of other nations in the purchase of the products of American farms; to advertise and push the sale of our agricultural commodities in far distant lands. Undoubtedly these are worthy purposes and "Tis a consummation devoutly to be wished."

Or, to state the matter in a little different form, the purpose of this bill is to help American agriculture to get a foothold in foreign markets, just as legislation heretofore enacted has substantially aided American industry in acquiring new and valuable markets abroad. It is just as logical for the Federal Government to help the American farmer find a foreign market for his surplus foreign commodities as it was for the Federal Government to help the American manufacturer find a foreign market for the surplus products of his mills and factories. This bill proposes to do for agriculture what Congress several years ago did for the manufacturing interests of the Nation.

In view of the generous bounties the industrial classes have been receiving as the result of exceedingly high tariff schedules, I am amazed to find the representatives from the manufacturing districts and from the great centers of wealth and population arrayed in a solid phalanx, vigorously and viciously fighting this poor little bill, which the bankrupt farmers of America are asking to have enacted, believing that it would afford them substantial aid in their efforts to find a market for their surplus products.

The enactment of this legislation will not militate against the interests of the manufacturing or commercial classes, but by increasing the income and purchasing power of the agricultural classes very substantial benefits would accrue to the manufacturing and commercial groups, because when the farmer is full handed he is a better customer and a more liberal buyer of the products that come from the mills and factories.

But it has been argued that the service sought to be given to the American farmers by this bill can be furnished by the commercial attachés and other representatives of the Department of Commerce who are now operating in foreign fields. This I deny. So far the American farmers have received comparatively little benefit from the activities of commercial attachés, trade commissioners, and others constituting the personnel of the Foreign Commerce Service, all of whom function under the supervision of the Department of Commerce. These commercial attachés and other representatives of the Commerce Department primarily function for the use and benefit of the manufacturing and commercial classes of the United States.

The primary purposes for which these representatives of the Commerce Department were appointed were to aid the American manufacturing and commercial interests to establish contacts abroad and sell the products of mills and factories in new markets. These new markets for American manufactured products are sought out by the commercial attachés and other representatives of the Department of Commerce whose activities are devoted almost exclusively to bringing the American manufacturer in contact with new customers abroad.

The Department of Commerce was created primarily to promote activities other than that of agriculture. I quote from the Code of Laws of the United States, title 5, page 60, section 596, which prescribes the powers and duties of the Department of Commerce, as follows:

It shall be the province and duty of said department to foster, promote, and develop the foreign and domestic commerce, the mining, manufacturing, shipping, and fishing industries, and the transportation facilities of the United States.

You will observe that the essential function of the Department of Commerce is not to develop, foster, and promote the interests of agriculture but to foster, promote, and develop foreign and domestic commerce, specifically mentioning mining, manufacturing, shipping, fishery industries, and transportation. The organic act creating the Department of Commerce expressly declares that the chief purpose of its creation was to foster, promote, and develop mining, manufacturing, shipping, fisheries, and transportation. Agriculture is not even mentioned as a step-child or a collateral heir of its benevolences. And I do not criticize this provision, because I realize that the interests of agriculture are presumed to be taken care of by another branch of our Federal structure, to wit, the Department of Agriculture.

It was perfectly right and proper to create the Department of Commerce to exercise a paternal and supervisory control over foreign and domestic commerce, with particular reference to mining, manufacturing, shipping, fisheries, and transportation. In order to carry out and effectuate the purpose for which the Department of Commerce was created, and in order to foster, promote, and develop foreign and domestic commerce, with special reference to these enumerated industries, Congress has enacted laws providing for the appointment of commercial at-

tachés and other agents who are stationed in foreign lands to find new markets for industrial products; and these representatives of the Department of Commerce have succeeded in finding new markets for the products of American mills and factories, and by bringing the American manufacturer in contact with foreign customers, have very largely increased the foreign demand for the products of American industry.

Now, by the pending bill, we are trying to do for the American farmer what we have already done for the American manufacturer. What we did by former laws through the Department of Commerce for the benefit of American industry we are seeking, by this bill, to do for the American farmers through the Department of Agriculture.

It may be worth while to add that the Bureau of Foreign and Domestic Commerce was created by the consolidation of the Bureau of Manufactures and the Bureau of Statistics. These two bureaus related primarily to industrial activities, and had no jurisdiction over matters that vitally affected the interests of the agricultural classes. And, in harmony with the functions performed by the two bureaus out of the union of which it was born, the Bureau of Foreign and Domestic Commerce has continued to be primarily and essentially a bureau conducted for the use and benefit of the industrial classes.

The leopard can not change its spots, and the Bureau of Foreign and Domestic Commerce, in its genesis and evolution, has always been an agency intended to foster, promote, and develop the industrial interests of the Nation. The personnel of the Department of Commerce is largely drawn from the industrial classes with but little, if any, knowledge of the interests of agriculture. And no matter what their instructions may be, the commercial agents of the Department of Commerce operating in foreign fields will always be representatives of the industrial interests rather than of the agricultural classes.

Now, to demonstrate that the Bureau of Foreign and Domestic Commerce is essentially, primarily, and inherently an agency of the American manufacturing classes, I want to quote from the Code of Laws of the United States, title 15, page 372, section 175:

It shall be the province and duty of the Bureau of Foreign and Domestic Commerce, under the direction of the Secretary of Commerce, to foster, promote, and develop the various manufacturing industries of the United States and markets for the same at home and abroad, domestic and foreign, by gathering, compiling, publishing, and supplying all available and useful information concerning such industries and such markets and such other methods and means as may be prescribed by the Secretary of Commerce or provided by law.

Here we have in the organic act creating the Bureau of Foreign and Domestic Commerce a plain and unequivocal statement that it shall be the province and duty of this bureau, not to foster, promote, and develop agriculture, not to find new markets for agricultural products, not to adopt measures for the rehabilitation or stabilization of agriculture, but to do one thing and only one thing, namely, "to foster, promote, and develop the various manufacturing industries of the United States and markets for the same at home and abroad, domestic and foreign."

This language will bear but one construction. This statute unequivocally declares that it shall not only be the province but the duty of the Bureau of Foreign and Domestic Commerce to foster, promote, and develop the manufacturing industries of the United States by finding new markets for manufactured commodities at home and abroad. This statute does not even wink at the idea that one of the duties of the Bureau of Foreign and Domestic Commerce is to foster, promote, or develop agriculture, seek new markets for agricultural products, or to gather statistics and information of interest or value to the agricultural classes.

I concede that under the so-called Hoch Act of March 3, 1927, the scope of the activities of the foreign agents of the Department of Commerce has been enlarged, but, even under existing laws, the foreign representatives of the Department of Commerce are essentially publicity or selling agents of the American manufacturers, and their activities are very largely devoted to finding markets for industrial products, and in bringing the American manufacturer in contact with new customers abroad.

I now call your attention to the Code of Laws of the United States, title 5, page 1883, section 606, which provides for—

Commercial attachés to be appointed by the Secretary of Commerce after examination to be held under his direction to determine their competency and to be accredited through the State Department, whose duties shall be to investigate and report upon such conditions in the manufacturing industries and trade of foreign countries as may be of interest to the United States.

This section was enacted in 1926 and similar provisions will be found in prior acts. Here we have a definite and specific

limitation of the duties of the commercial attachés appointed by the Secretary of Commerce. They are not appointed to investigate and report on conditions in the agricultural industry, but this section limits their activities to investigating and reporting upon such conditions in the manufacturing industries and trade of foreign countries as may be of interest to the United States, or, to be more specific, it is their statutory function to investigate and report upon such conditions in the manufacturing industries and trade of foreign countries as may be of interest to the manufacturing classes in the United States.

All through the acts relating to the Bureau of Foreign and Domestic Commerce, and in almost every line of the laws in relation to the appointment of commercial attachés and foreign agents of the Commerce Department, we are brought face to face with the fact that these agencies were created primarily to promote the interests and welfare of the manufacturing classes, find markets for the products of American factories, and to bring the American industrialist into immediate contact with probable customers in foreign lands. It makes no difference whether you call these representatives of the Commerce Department commercial attachés, trade commissioners, or foreign agents, the ugly fact remains that they are essentially representatives and publicity agents of the American manufacturers.

The Hoch Act, to which I have already referred, was enacted in the Sixty-ninth Congress, and was approved March 3, 1927. It establishes in the Bureau of Foreign and Domestic Commerce of the Department of Commerce what it designates as "the foreign commerce service," consisting of officers to be graded in the following order and to be known as commercial attachés, assistant commercial attachés, trade commissioners, and assistant trade commissioners.

The act provides that the officers of the foreign commerce service shall—

- (a) Promote the foreign commerce of the United States;
- (b) Investigate and report upon commercial and industrial conditions and activities in foreign countries which may be of interest to the United States;
- (c) Perform such other duties as the Secretary may direct in connection with the promotion of the industries, trade, or commerce of the United States.
- (d) Make such inspections of the Foreign Commerce Service as the Secretary may direct.

The Hoch Act deals in broad generalities, in prescribing the duties of the officers of the Foreign Commerce Service. It waves its hands at the horizon and declares that the officers of the Foreign Commerce Service shall (a) promote foreign commerce, (b) investigate and report on commercial and industrial conditions and activities in foreign countries, (c) perform such other duties as the Secretary of Commerce may direct, and (d) make inspections of the Foreign Commerce Service.

In essence the Hoch Act provides for the organization and classification of the personnel of the Foreign Commerce Service created by previous acts, and although expressed in general terms it enlarges the duties and activities of such commercial attachés and agents. There is no suggestion that they shall give the same consideration to gathering statistics as to matters affecting agricultural products and to finding markets for agricultural commodities that they have heretofore given to gathering statistics in which American manufacturers are interested and in finding markets for the products of mills and factories.

The Hoch bill does not repeal the act of April 29, 1926, which specifically provides that the duties of the commercial attachés—

Shall be to investigate and report upon such conditions in the manufacturing industries and trade of foreign countries as may be of interest to the United States.

Nor does the Hoch measure repeal section 175, page 372, title 15, of the Code of Laws of the United States, which specifically provides that—

It shall be the province and duty of the Bureau of Foreign and Domestic Commerce, under the direction of the Secretary of Commerce, to foster, promote, and develop the various manufacturing industries of the United States and markets for the same at home and abroad, domestic and foreign, by gathering, compiling, publishing, and supplying all available and useful information concerning such industries and such markets.

I concede that under section 2 of the Hoch Act these commercial attachés and other representatives may be directed by the Secretary of Commerce to perform duties and engage in activities other than those enumerated in previous acts, but the Secretary of Commerce may or may not so instruct these attachés or representatives. He may or may not require them



to do for American agriculture what they have for years been doing for American industry.

And as long as the Department of Commerce is essentially an agent and representative of the manufacturing classes, and as long as the personnel of the Department of Commerce live, move, and have their being in an industrial atmosphere, and as long as the Secretary of Commerce comes from an industrial State and speaks the language of the industrial lords, agriculture will have just about as much chance for a square deal as the proverbial snowball in a certain oft-mentioned region not famous for its fridity. The atmosphere that surrounds and permeates the Department of Commerce and the psychology of the men who dominate that department are such that it is folly to believe that the commercial attachés and agents operating under the Department of Commerce will ever have more than an academic or passing interest in agriculture, and the markets these representatives find for American farm products would not materially reduce the surplus products from American farms.

What I have said should not be construed as a criticism of the Hoch Act. It is accomplishing the purposes for which it was intended. Its author, the gentleman from Kansas, Mr. HOCH, an able and influential legislator, is supporting the pending bill, because he doubtless believes it will do for agriculture what his bill is doing for the manufacturing and commercial interests.

As another evidence of the solicitude of the Federal Government for the manufacturing classes I call your attention to the last paragraph of section 175, page 372, title 15, Code of Laws of the United States, which is as follows:

And all consular officers of the United States, including consuls general and consuls, are required, and it is made a part of their duty, under the direction of the Secretary of State, to gather and compile from time to time useful and material information and statistics in respect to the subjects enumerated in section 596 of title 5, executive departments and Government officers and employees, in countries and places to which such consular officers are accredited, and to send under the direction of the Secretary of State reports as often as required by the Secretary of Commerce of the information and statistics thus gathered and compiled; such reports to be transmitted through the State Department to the Secretary of the Department of Commerce.

Section 596 of title 5, Code of Laws of the United States, mentioned above, provides:

It shall be the province and duty of said department (Department of Commerce) to foster, promote, and develop the foreign and domestic commerce, the mining, manufacturing, shipping, and fishery industries and the transportation facilities of the United States.

In other words, our consular representatives abroad are required from time to time to secure information and statistics that will aid in accomplishing the purposes set forth in the act creating the Department of Commerce, namely, to foster, promote, and develop certain specific industries in the United States, namely, mining, manufacturing, transportation, shipping, and fisheries, but agriculture is not included in the list of industries which our benevolent Government is endeavoring to foster, promote, and develop.

Our consular officers were not specifically directed to procure information and statistics that would promote, foster, and develop agriculture, but by this statutory mandate they are required to secure this information and these statistics for the use and benefit of the manufacturing classes and a few other favored vocational groups.

I mention these facts to emphasize the indifference of the Federal Government toward the interests and welfare of agriculture and its paternal solicitude for the manufacturers. Uncle Sam has generously responded to the appeals of other vocational groups but has done little to place agriculture on an equality with other industries or to lighten the burden or remove the handicap under which agriculture is suffering as a result of legislative favoritism to certain special-privileged classes.

The Department of Commerce was created to cover the field of commerce and manufacturing, while to the Department of Agriculture was committed the specific duty of conserving the interests and welfare of the agricultural classes. The activities of neither should be circumscribed or dependent upon the personnel of the other. The Intelligence Bureau of the Navy Department is not under the control of the Secretary of War, nor is the War Department compelled to get information in reference to military matters from the Navy Department. Each of the executive departments has a special field in which its activities are carried on, and by this specialization better results are obtainable.

By the pending bill we are endeavoring to give agriculture the same opportunity to share in foreign markets that we have

secured for industry by legislation heretofore enacted. As further proof that the Bureau of Foreign and Domestic Commerce is essentially an agency for the benefit of American manufacturing interests, I call attention to the fact that more than 90 per cent of the work done by its foreign agents relates to matters exclusively affecting the industrial and commercial interests, and an infinitesimally small part of their activities relates either directly or indirectly to agriculture.

The Bureau of Foreign and Domestic Commerce each week issues a publication called "Commerce Reports," which I read and have found because of the valuable information they contain in reference to our foreign trade. This publication shows in detail the accomplishments of this particular bureau, and reflects the activities of the commercial attachés and other agents of the Commerce Department who operate in foreign fields. More than 90 per cent of these activities directly and exclusively affect the manufacturing and commercial classes, while statistics and questions affecting the interests of agriculture are given scant consideration.

In each issue two pages are devoted to "foreign trade opportunities." Therein is tabulated information in reference to foreign firms or purchasing agents who are either in the market for American products or who are prospective customers. Such firms are indicated by number, the names being furnished by the bureau on request. But the lists show the location of the prospective customers and the commodities in which they are or may become interested.

The May 12 issue of this publication has just reached me. On pages 399 and 400 there are 233 "foreign trade opportunities" listed, only 6 of which relate to foodstuffs, viz, canned vegetables, fresh vegetables, flour, California honey, granulated sugar, and powdered sugar. What a mighty campaign this bureau is waging to obtain new markets for the embattled farmer. The millers will chalk down the profits that comes from the sale of the flour. The refiners will get the benefits accruing from finding new markets for sugar, and the canning factories will absorb practically all the profits that will accrue from extending the market for canned vegetables. But glance at the list of commodities for which the Department of Commerce is finding new markets!

Agricultural implements: Agricultural machinery and fractional horsepower motors; kerosene and oil engines of 1 to 10 horsepower; motor-operated plows and threshing machines.

Automotive products: Automobile accessories; ordinary and electrical automobile accessories; automobiles accessories, such as fan belts, brake linings, and light bulbs; automobile accessories and specialties, including hardware; automobile trailers of simple construction; automobile accessories, parts and service equipment; automobiles, trucks, accessories, spare parts, and garage and service equipment; lacquer-spraying outfit and gasoline pumps.

Chemicals: Denatured alcohol and burning alcohol; aniline, benzidine, phenol, benzol, and naphtha solvent; benzol; disinfectants; galath; liquid hydrocyanic acid (prussic acid); naval stores; essential oils; paints; varnishes, enamels, turpentine, and linseed oil; automobile polishes; floor and lacquer polishes; resin (molding powder), in all colors; rosin for paper mills; fly spray; animal, vegetable, and mineral wax.

Drugs and pharmaceutical preparations: Botanical drugs (cascara sagrada barks, senega root, hydrastis root, etc.); prepared medicines, cosmetics, toilet preparations, and medicinal white oil; pharmaceuticals and toilet preparations; toilet preparations.

Electrical appliances: Batteries, cells, and insulating materials; storage batteries; household electrical appliances; household electrical appliances, including washing machines; electric instruments; automobile and incandescent lamps; bridge, floor, and boudoir lamps; fractional horsepower motors; electric paint sprayers; dynamic radio loud speakers; radio parts; radio receiving tubes and radio set chassis; radio sets, loud speakers, and parts; radio sets and parts; radio sets and radio and phonograph combinations; electrician's tools; welding machinery, rivet heaters, and automatic chain-welding machinery; electric wire, cable, and springs; electric wires and cables.

Iron, steel, hardware: Abrasives; iron chains; coffee urns and filters; cutlery; table and kitchen cutlery; galvanized iron sheets and metal lath; builders' hardware; builders' hardware and shelf and tools; building and household hardware; cabinet and furniture hardware; household hardware; household hardware and plumbers' supplies; household appliances and patented specialties; household utensils and novelties; ironing boards; wire nails; small, inexpensive, commercial coffee percolators; water, steam, and gas pipe; double and single edge safety-razor blades; sanitary equipment; sanitary fixtures; heavy steel scrap in furnace sizes and rerolling material, such as rails and tubes; stoves and heaters; gardening tools; hand tools; miscellaneous tools; small tools for metal and woodworking shops; gardening tools and novelties; and wire cloth and screenings.

Leather: Calf, suede, glazed kid and fancy leathers; calf and patent leathers; glove-leather, especially pigskin and calfskin; glazed kid,

patent sides, and other leathers; leather; bottom leather offal; patent, calf, and other leathers; patent leather, pressed box calf, lining leather, and plain sheepskin for bags and bookbinding; buff, russett, undyed, and unvarnished upholstery splits.

Lumber and products: Cedar lumber for manufacture of pencils; mahogany and walnut.

Machinery: Bolt-and-nut-making and wire-drawing machinery; cans (especially petroleum cans) manufacturing machinery; coal-mining machinery, including mine cars; small coffee roasters; marine engine accessories; foundry machinery; fruit-juice manufacturing, storage, and bottling machinery; ice-making and refrigerating machinery; laundry washing, wringing, and mangling machinery, equipped with electric motors; pneumatic or electric nailing machines, with automatic feed; nail-making machinery; peat-working machinery, such as mining and pressing machines; planing machines; nonchokable marine pumps for marine salvage work; punching machines for punching brass wheels; railroad-tie producing machinery; ribbon machinery; soap-making machinery; textile machinery (calendars); winches (cargo) and windlasses; automatic woodworking machinery for manufacture of plywood boxes.

Minerals: Asbestos products; graphite and aluminum in flakes; roofing slates, stone, in all colors.

Motion pictures: Motion pictures; sound-synchronization equipment, and drama and comic films.

Paper and paper goods: Banknote, carbon, and wax papers, and re-transfer and lithographic inks; boxes, cheap, writing tablets, and cellulose paper; box-making machinery; cardboard; cartons, paper, manufacturing machinery, small; cups, paper, drinking, and for jams, jellies, and preserves; cups, soda straws, and service dishes, paper; envelopes, cloth-lined; letter paper; packing paper, transparent, similar to glassine paper; roofing paper; wallpapers; writing paper, envelopes, blotting paper, etc.

Petroleum products: Kerosene, petrol, and lubricating and gas oils; oils, cylinder, filtered, dark; petroleum coke in lump form; petroleum, solid and semisolid; wax, mineral.

Rubber goods: Bands, rubber, gray; belting; belting, transmission; boots, rubber, and rubber and rubber-soled bathing and tennis shoes; fiber or hard-rubber packings and insulators; overshoes with zip fasteners; scraping block, rubber, for washing dishes; soles, crêpe or vulcanized; tires, solid, on iron bands, for motors; toys and balloons, rubber.

Ships and shipping: Shipbuilding and engine accessories and equipment; tramway equipment, locomotives, dump cars, etc., electric.

Shoes and leather manufactures: Belting, transmission, leather; boots and shoes; shoe findings; shoes, Army officer, in lots of 1,000 pairs; shoes, leather, men's and boys'; shoes, leather, tennis and sport shoes with chrome and crêpe rubber soles, and rubber heels; shoes, low priced, men's and women's; slippers, all kinds, men's and women's; trunks.

Soaps: Toilet soaps.

Specialties: Athletic and sporting goods, and playground supplies; bottles, medicine; bottles, perfume; brushes, shaving and clothes; buttons; cabinets, radio, mahogany, finished; corks, corks and stoppers, bottle; drawing apparatus; glass, convex, for portraits; glass, glaziers', sheet or plate; hairdressers' supplies, household articles; laboratory and measuring equipment, and electrical laboratory and medical equipment; mirrors; pencil leads, 30,000 gross; photographic supplies; plates, decorating, in brass, bronze, etc.; school supplies, and cheap fountain pens; scientific instruments and laboratory apparatus; shoe-shining equipment; soda-fountain equipment and supplies; stationery supplies and fountain pens; toilet articles, celluloid; toys and games.

Textiles: Bathing suits; cotton fabrics, gray bleached, dyed, and printed; cotton linters, bleached; cotton piece goods; cotton piece goods, especially shirtings, prints, and denims; cotton piece goods, khaki, prints, etc.; cotton thread in numbers from 46 to 50; cotton volles, plain and printed; drapery material, carpets, etc.; dry goods; elastic and hosiery protectors; golf jackets and spats with zip fasteners; haberdashery, haberdashery (hats, pajamas, and shirts); hosiery; hosiery, all grades, especially wool and silk; hosiery, men's and women's; hosiery, silk, rayon, and cotton; hosiery, silk, rayon, and cotton, and men's, women's and children's underwear; hosiery, silk, and men's women's, and children's underwear; knit goods; leather, imitation; linoleum, oilcloth, and imitation leather; linoleum, 1-color and inlaid; oilcloth (table, etc.) and linoleum; powder puffs; raincoats, army-type, in lots of 1,000; rayon piece goods; rayon and crêpe piece goods, tapes, tries, and novelty furnishings; silk piece goods, printed; tarpaulins, waterproof, and manila ropes; textile goods; umbrellas and parasols, cotton, half silk, and silk, men's, women's, and children's; underwear, cheap, men's and women's; underwear, men's; velvets; yarn, cotton.

Contrast the 227 important industrial products for which the Bureau of Foreign and Domestic Commerce is endeavoring to find purchasers in foreign lands, with the 6 little articles of foodstuff to which I have referred. Obviously, the products of mills and factories are getting the lion's share of attention from the foreign agents who operate under the supervision of the Department of Commerce.

Now, the pending bill will, to a very considerable extent, remedy this unjust and unfair situation, because the agents appointed under this act will devote their time and attention exclusively to matters vitally affecting agriculture, and in enlarging the foreign demand for commodities produced on the American farm. I admit that in some few instances the agents of the Department of Commerce have in a very limited or incidental manner served the interests of agriculture, but that is the exception and not the rule, as their activities are largely confined to matters in which the commercial and manufacturing classes of the United States are interested.

So, in the last analysis, the Foreign Trade Opportunities listed by the Department of Commerce, are not opportunities to sell products of American farms, but essentially a list of foreign firms which the Bureau of Foreign and Domestic Commerce is trying to interest in the purchase of commodities from American mills and factories.

The Department of Commerce has been given an army of foreign agents to bring American manufacturers in contact with firms, purchasing agents, and prospective customers in foreign lands. I do not object to this, and I supported the Hoch bill, under which the Bureau of Foreign and Domestic Commerce is given an adequate and efficient force of foreign representatives. But I insist that the agricultural classes in America should be given the same treatment that has been accorded to the manufacturing interests, and this has not been done.

My colleague from Indiana [Mr. Wood], one of the Republican leaders not only in the House but in the Nation, who enjoys the confidence and intimate friendship of the President, unequivocally informs us that President Hoover is opposed to this measure. Since when did the President reach the conclusion that this is a bad bill? When Mr. Hoover was Secretary of Commerce under the Coolidge administration, he favored this bill and joined Secretary Jardine in writing a letter to the chairman of the House Committee on Agriculture, the gentleman from Iowa, Mr. HAUGEN. This letter was as follows:

MARCH 10, 1926.

HON. GILBERT N. HAUGEN,

Chairman Committee on Agriculture and Forestry,  
House of Representatives.

MY DEAR MR. HAUGEN: There are being introduced in Congress and referred to various committees the following bills giving statutory recognition to the foreign services of the Departments of Agriculture and Commerce: H. R. 3858 and S. 3383 on that of the Department of Commerce and H. R. 10129 and S. 3473 on the Department of Agriculture. These measures have been subject to the most careful consideration on the part of both departments, individually and in consultation, and in their present form they represent the joint agreement of the two departments. We, therefore, recommend their early and favorable consideration by the Congress.

Very sincerely yours,

HERBERT HOOVER,  
Secretary of Commerce.  
W. M. JARDINE,  
Secretary of Agriculture.

You will observe that Secretary Hoover and Secretary Jardine, by this letter, indorsed House bill 3858 and Senate bill 3383, which provided for commercial attachés, trade commissioners, and agents to be appointed by the Secretary of Commerce, and they also approved House bill 10129 and Senate bill 3473, which were identical, and provided for the appointment by the Department of Agriculture of representatives abroad to enlarge the foreign market for American farm products. In other words, these bills, indorsed by the two Secretaries, were intended to give both the Department of Commerce and the Department of Agriculture an adequate foreign field force to represent the activities of their respective departments.

House bill 3858, introduced by Representative Hoch, of Kansas, passed the House and Senate. As I have stated, it gave the Department of Commerce the agents and representatives it asked for to send abroad to promote primarily the interests of the manufacturing and commercial classes, but the other bill indorsed by the two Secretaries, Jardine and Hoover, was strangled and never became a law. By passing H. R. 3858, the manufacturing and commercial groups got what they wanted, after which they proceeded to kill the companion bill that would have granted to agriculture the same privileges the manufacturers obtained by the passage of the other bill.

Now, the bill the farmers wanted in 1926, and which Secretaries Hoover and Jardine approved, was the same bill we are now considering. In 1926 Mr. Hoover said this was a good bill. What has brought about his change of heart? In the foregoing letter he said:

These measures have been subject to the most careful consideration on the part of both departments, individually and in consultation, and



in their present form they represent the joint agreement of the two departments.

And both Secretary Hoover and Secretary Jardine recommended their early and favorable consideration by Congress. Congress proceeded to give the Department of Commerce what it wanted but denied the prayer of the Department of Agriculture, thereby making fish of one and flesh of the other.

In 1926 Secretary Hoover and Secretary Jardine after full and free consultation agreed that the American people should make a drive for new foreign markets for our surplus products. They agreed that the Department of Commerce needed more agents abroad to advertise the merits of American factory products and that the Department of Agriculture needed agents abroad to find new markets for our farm commodities and to obtain information and statistics of interest to the agricultural classes. So, cooperating together, they came to Congress and requested that each department be authorized to organize and send abroad a force of agents to promote the interests of the vocational groups primarily represented by the respective departments. The bill giving the Department of Commerce the force it wanted was enacted, but the bill giving the Department of Agriculture the force it asked for was scientifically strangled.

But Secretary Hoover did not stop with one letter approving this bill. On February 1, 1928, he wrote Secretary Jardine as follows:

FEBRUARY 1, 1928.

HON. W. M. JARDINE,

*Secretary of Agriculture, Washington, D. C.*

MY DEAR MR. SECRETARY: The draft of "A bill to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture," as submitted to this department by your office on January 31, 1928, is a helpful step toward more uniform and better administration in that it places the proposed staff of the Department of Agriculture on a comparable footing with the Foreign Commerce Service as defined in the Hoch Act of March 3, 1927. It seems to me that the passage of this measure will contribute materially toward more effective collaboration between the two services and I hope, therefore, that it will receive early and favorable consideration by Congress.

Faithfully yours,

HERBERT HOOVER,  
*Secretary of Commerce.*

Now, it does not require a Philadelphia lawyer to construe this language. In plain words, Mr. Hoover indorsed this bill and said its passage would be a helpful step toward more uniform and better administration in that it would place the proposed staff of the Department of Agriculture on a comparative footing with the Foreign Service of the Department of Commerce, as defined in the Hoch Act of March 3, 1927.

Mr. Hoover must have meant what he said when he stated in this letter—

That the passage of this measure will contribute materially toward more effective collaboration between the two services, and I hope, therefore, that it will receive early and favorable consideration by Congress.

Now, any average grade-school pupil can understand this language. It is susceptible of but one construction, and it put Mr. Hoover squarely on record in favor of this legislation. If this was a wise legislative proposal in 1926 and 1928, what is wrong with it in 1930? If the bill would help the farmers in 1926 and 1928, would it not help them now? If the Department of Agriculture was entitled to this foreign service force in 1926 and 1928, why should it be denied that service now? It will be observed that Mr. Hoover's last letter was written February 1, 1928, after the Hoch bill had been in operation for nearly a year, and at that time Mr. Hoover expressed the conviction that this bill would do for agriculture what the Hoch bill did for commerce and industry.

The agricultural classes of America are aggressively supporting this bill because they believe it will materially aid in the rehabilitation of American agriculture by furnishing additional markets for our surplus farm products. Nineteen leaders of agricultural organizations, representing millions of farmers, have indorsed this legislation in the following statement:

H. R. 7111 (same as pending bill), introduced by Mr. KETCHAM, is a bill to promote American agriculture by making available and expanding the service now rendered by the Department of Agriculture in gathering and disseminating information regarding agricultural production, competition, and demand in foreign countries in promoting the sale of farm products abroad and in other ways. We strongly urge all Senators and Congressmen to facilitate the passage of this bill.

There never was a time in the history of American agriculture when there was greater need of the activities contemplated by this bill.

Respectfully submitted,

L. J. Taber, master National Grange; T. C. Atkeson, Washington representative of the grange; C. S. Barrett, president Farmers' Educational and Cooperative Union of America; F. J. Haganbarth, president National Wool Growers' Association, by S. W. McClure; A. M. Loomis, secretary American Dairy Federation and secretary National Dairy Union; George C. Jewett, general manager American Wheat Growers' Association; Charles V. Holman, secretary National Cooperative Milk Producers' Federation and secretary National Board of Farm Organizations; Chester Davis, commissioner of agriculture, State of Montana; Western Tariff Association, by S. W. McClure, manager; Pendleton Commercial Association, by S. R. Thompson, chairman agricultural committee, also president of Oregon Export League; Charles E. Hearst, president Iowa State Farm Bureau, Des Moines; George E. Duis, North Dakota Wheat Growers' Association, Grand Forks, N. Dak.; W. L. Stockton, Clarkston, Mont., president Montana State Farm Bureau; Carl Gunderson, South Dakota Wheat Growers' Association, Mitchell, S. Dak.; G. P. Mix, Moscow, Idaho; T. C. Winn, Nephi, Utah; A. R. Shumway, Milton, Oreg.; Oregon Wheat Growers' Association; Hubert Egbert, president Farmers' Union, The Dalles, Oreg.; S. Sykes, president Corn Belt Meat Producers' Association.

So far as I have observed, all the leading farm papers are advocating the enactment of this legislation. The Committee on Agriculture, in reporting the pending bill, said:

The Department of Agriculture can not render an adequate service to the agricultural producers of the United States without extending its activities in foreign fields.

If this bill becomes a law, it will enable the Department of Agriculture and the Federal Farm Board to extend their activities into foreign fields, and materially enlarge the world market for our farm commodities. The interests of American agriculture will be seriously and prejudicially affected by the defeat of this measure. I want the friends of agriculture in this Chamber not to forget the fact that our colleagues who come from the manufacturing districts, are almost to a man aggressively and viciously opposing this measure, although their constituents are about to get the benefit of the Hawley-Smoot tariff bill which establishes the highest tariff rates in the history of our Nation, and which will grant hundreds of millions of unearned bounties to the manufacturing industries. The action of the champion of high protection in this House conclusively demonstrates that the tariff barons have no sense of appreciation and are unwilling to allow the agricultural classes even the little benefit that would accrue to them under the provisions of this act. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. KETCHAM. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. CHRISTGAU].

Mr. CHRISTGAU. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by including therein an editorial from Wallace's Farmer and the report of the Committee on Agriculture on this bill.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. CHRISTGAU. Mr. Chairman and members of the committee, when we passed the agricultural marketing act we declared it to be the policy of this country that the marketing of agricultural products should be a farmer's function. In other words, in the agricultural marketing act we set up the machinery for the establishment of farmer-owned and farmer-controlled stabilization corporations. The marketing of farm products was then declared to be an agricultural function. I am interested in seeing this foreign marketing service remain in the Department of Agriculture, because it is there that the farmer's interests can best be served.

It was my privilege last year to spend some two months in Europe. I visited the commercial attachés' offices in seven countries of Europe, and also called at the foreign offices of the Department of Agriculture. I became thoroughly convinced as a result of my observations this measure is an essential and necessary part of our agricultural marketing program.

Let me call attention to an example of what the people in Denmark are doing for the agriculture industry in Denmark. Denmark has for her agricultural industry machinery similar to that that we are trying to set up here. The agricultural

interests of Denmark are represented in England by government officials. Those government representatives keep the farmers of Denmark advised as to any changes in the English market for Danish farm products. I was told that a year ago last summer the English bacon market demanded bacon from lighter hogs than the Danish farmers were producing.

The representative in England sent word to the Danish Government that the hogs should be lighter when marketed, and within two weeks after the Danish farmers received that information the hogs in Denmark were being marketed considerably lighter. It is that type of information that the farmers of this country should receive and it should be obtained for them and relayed to them through the Department of Agriculture.

This bill proposes to establish in 10 different places in foreign countries agricultural attachés. The purpose of setting up these foreign offices at different points is to permit the gathering and compiling of valuable agricultural information at certain definite centers from which it is condensed, interpreted, and then relayed to the Agricultural Department, which in turn can make the information available to the farmers of this country. For instance, when an agricultural attaché in Berlin gathers and compiles information of value to the agricultural people of this country, he sends that information by cable to this country to the Agricultural Department so that it may be brought to the attention of the farmers as soon as possible. If we leave to the commercial attachés in foreign countries the responsibility of locating for agriculture information necessary for our agricultural interests, the attachés now located at points all over Europe would be required, if they could, to give that information to some agricultural-minded authority at certain central points for interpretation and condensing if the service is to be of maximum value to the farmers.

Mr. HUDSON. But I understood from the gentleman that we were going to have 10 of these agents. Now, do I understand that you are going to have them all over Europe?

Mr. CHRISTGAU. The gentleman misunderstands. I said that we would have 10 agricultural attachés proposed in this measure who would gather the information from these commercial attachés and other sources in Europe and in other foreign countries.

Mr. HUDSON. Is the gentleman willing to say to this House that 10 agricultural attachés will satisfy the demands of this bill?

Mr. CHRISTGAU. That would be a very good beginning.

Mr. HUDSON. And that is what it is, a beginning, and you will build up another huge organization.

Mr. CHRISTGAU. Not necessarily. It is the same beginning that was given to the Department of Commerce several years ago.

Mr. KETCHAM. Is it not true that the 10 posts that are proposed to be set up are in accordance with the recommendation of the Federal Farm Board, which is particularly interested in this legislation?

Mr. CHRISTGAU. They have made a particular study of that problem and they find they need some one in Europe to send them information; and they originally requested that this service be in the Department of Agriculture.

Mr. HUDSON. Has not the Federal Farm Board authorization now to ask the Department of Commerce to appoint those 10 people in the 10 posts, to do what it is proposed to do by this bill?

Mr. CHRISTGAU. I do not know what authorization they have now. If they have that authority, they would not have asked for this legislation last fall.

Mr. STAFFORD. Denmark, being an agricultural country, has that character of attaché, and Sweden similar ones. There is nothing in the organic act that prevents our commercial attachés doing work similar to that provided for in this bill.

Mr. CHRISTGAU. Mr. Chairman, at this point I would like to submit an editorial by Henry A. Wallace, editor of Wallace's Farmer and Iowa Homestead, which gives some of the history of this fight for a foreign service for agriculture, and which answers the statement of the gentleman from Wisconsin [Mr. STAFFORD]:

#### FOREIGN SERVICE FOR AGRICULTURE

By Henry A. Wallace, editor of Wallace's Farmer and Iowa Homestead

When Henry C. Wallace was Secretary of Agriculture one of the things for which he fought most strenuously was a foreign service for agriculture. He died; Jardine took up the work, and was able to enlist the cooperation of Herbert Hoover, then Secretary of Commerce. Hoover was justifiably as anxious to get a foreign service for commerce as the farm folks were to get a foreign service for agriculture. Hoover and Jardine, working together, had companion bills introduced,

and on date of March 10, 1926, they wrote a joint letter to Congressman HAUGEN, saying:

"These measures have been subject to the most careful consideration on the part of both departments, individually and in consultation, and in their present form they represent the joint agreement of the two departments. We therefore recommend their early and favorable consideration by the Congress."

In 1927 the commerce bills were passed but the agricultural bills were lost in the jam. Hoover, therefore, wrote Jardine, on date of February 1, 1928, as follows:

MY DEAR MR. SECRETARY: The draft of "A bill to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture," as submitted to this department by your office on January 31, 1928, is a helpful step toward more uniform and better administration, in that it places the proposed staff of the Department of Agriculture on a comparable footing with the Foreign Commerce Service, as defined in the Hoch Act of March 3, 1927. It seems to me that the passage of this measure will contribute materially toward more effective collaboration between the two services, and I hope, therefore, that it will receive early and favorable consideration by Congress.

Faithfully yours,

HERBERT HOOVER.

Again the agricultural bills were lost in the jam. Last fall the Farm Board was in serious need of foreign agricultural information and called for the passage of these bills, which had so long been side-tracked. Then certain people in the Department of Commerce became alarmed and prevailed on President Hoover, to go back on the stand which he had taken as Secretary of Commerce. On April 24, 1930, in House Document No. 365, he submitted to Congress, through the Director of the Budget, the following draft of proposed legislation:

"The Secretary of Agriculture may, with the approval of the Secretary of Commerce, transfer to the Department of Commerce, for direct expenditure, such sums from funds available for salaries and expenses, Bureau of Agricultural Economics, crop and livestock estimates for the fiscal year 1931 as may be necessary for the salaries, expenses, and allowances of the officers in the Foreign Commerce Service of the Bureau of Foreign and Domestic Commerce engaged in securing, under the direction of the Secretary of Agriculture, information for the Department of Agriculture."

Legislation of this sort means just one thing—foreign agricultural service is to be a part of the Department of Commerce. True, the Secretary of Agriculture is still to have some strings on the service, but they will have to be cut after a time for the sake of smooth executive functioning.

There is only one thing for farm-minded folks to do, and that is to demand that Congress pass at once H. R. 2152 and S. 2043, bills carrying out the Hoover recommendations of 1926 and 1928, bills embodying the original ideas of Henry C. Wallace when Secretary of Agriculture, bills which were backed by Jardine when he was Secretary of Agriculture, bills which have had the support of the leading farm organizations for a number of years.

We have nothing against the Department of Commerce, because we know it does excellent work in its own field. But it should be satisfied in serving the great commercial interests of the Nation and not try to cover agriculture. A commercial attaché can gather some kinds of agricultural information just as well as a man trained in agriculture. But, necessarily, he can not serve agriculture as well as a farm-minded man. In this connection, we remember the commercial attaché stationed in Italy, who recommended the importation of a large Italian draft breed of cattle into the United States because the animals had such large shoulders. We mentioned his kindly efforts under the heading, "Steaks Off the Neck."

Agriculture has been long-suffering and forbearing in this matter of a foreign service. She expected fair play, but now it seems that patience is no longer a virtue. If there is any manhood left in organized agriculture, it is time to speak to Congress in no uncertain terms.

The Farm Board absolutely must have reliable foreign agricultural information if it is to run its affairs intelligently. If H. R. 2152 and S. 2043 could not be passed, the proposal to put the foreign agricultural service in the Department of Commerce might be justified as a temporary expedient. But these bills, providing, as Hoover said in 1928, for placing "the proposed staff of the Department of Agriculture on a comparable footing with the Foreign Commerce Service, \* \* \*" can be passed if the President will give the word.

We trust he will see that agriculture has just rights in this matter, and that he will reiterate his stand of 1928 and abandon the proposal recently submitted to transfer the foreign agricultural work to the Department of Commerce.

And, Mr. Chairman, I wish to insert in the RECORD at this point the material on pages 4, 5, 6, and 7 of the committee's report on this bill, which shows the agreements made at the



time this legislation was originally proposed, as well as other information pertinent to this subject:

[H. Rept. No. 5, 71st Cong., 1st sess.]

TO PROMOTE AGRICULTURE

Mr. HAUGEN, from the Committee on Agriculture, submitted the following report (to accompany H. R. 2152):

The Committee on Agriculture, to whom was referred the bill (H. R. 2152) to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, having considered the same, report thereon with a recommendation that it do pass.

The bill reported herewith is as follows:

H. R. 2152, Seventy-first Congress, first session

"A bill to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes

"Be it enacted, etc., That for the purpose of encouraging and promoting the agriculture of the United States and assisting American farmers to adjust their operations and practices to meet world conditions, the Secretary of Agriculture shall—

"(a) Acquire information regarding world competition and demand for agricultural products and the production, marketing, and distributing of said products in foreign countries and disseminate the same through agricultural extension agencies and by such other means as may be deemed advisable.

"(b) Investigate abroad farm management and any other economic phases of the agricultural industry and, in so far as is necessary to carry out the purposes of this act, conduct abroad any activities, including the demonstration of standards for cotton, wheat, and other American agricultural products, in which the Department of Agriculture is now authorized or in the future may be authorized to engage. Nothing contained herein shall be construed as prohibiting the Department of Agriculture from conducting abroad any activity for which authority for thus conducting it may exist.

"SEC. 2. (a) The present representatives of the Bureau of Agricultural Economics of the Department of Agriculture now stationed abroad shall be officers of the foreign agricultural service of the United States, and the Secretary of Agriculture may appoint other officers in said service from time to time in accordance with civil-service procedure. All such officers shall constitute the foreign agricultural service of the United States, and shall be known as agricultural attachés, assistant agricultural attachés, or by such other titles as may be deemed appropriate by the Secretary of Agriculture. Any officer in said service, when designated by the Secretary of Agriculture, shall, through the Department of State, be regularly and officially attached to the diplomatic mission of the United States in the country in which he is to be stationed, or to the consulate of the United States, as the Secretary of Agriculture shall designate. If any such officer is to be stationed in a country where there is no diplomatic mission or consulate of the United States, appropriate recognition and standing with full facilities for discharging his official duties shall be arranged by the Department of State. The Secretary of State may reject the name of any such officer if, in his judgment, the attachment of such officer to the diplomatic mission or consulate at the post designated would be prejudicial to the public policy of the United States.

"(b) The Secretary of Agriculture shall appoint the officers of the foreign agricultural service to such grades as he may establish, with salaries in those grades comparable to those paid other officers of the Government for analogous foreign service.

"(c) The Secretary of Agriculture is authorized to promote or demote in grade or class, to increase or decrease within the salary range fixed for the class the compensation of, and to separate from the service, officers of the foreign agricultural service, but in so doing the Secretary shall take into consideration records of efficiency.

"(d) No officer of the foreign agricultural service shall be considered as having the character of a public minister.

"(e) Any officer of the foreign agricultural service may be assigned for duty in the United States for a period of not more than three years without change in grade, class, or salary, or with such change as the Secretary of Agriculture may direct.

"(f) The Secretary of Agriculture is authorized to pay the expenses of transportation and subsistence of officers in the foreign agricultural service of the United States and their immediate families in going to and returning from their posts under orders from the Secretary of Agriculture. The Secretary of Agriculture is further authorized, whenever he deems it in the public interest, to order to the United States on his official leave of absence any foreign agricultural service officer who has performed three years or more of continuous service abroad: *Provided*, That the expenses of transportation and subsistence of such officers and their immediate families in traveling to their homes in the United States and return shall be paid under the same rules and regulations applicable in the case of officers going to and returning from their posts under

orders of the Secretary of Agriculture when not on leave: *Provided further*, That while in the United States the services of such officers shall be available for such duties in the Department of Agriculture and elsewhere in the United States as the Secretary of Agriculture may prescribe. Any officer in the foreign agricultural service, in the discretion of the Secretary of Agriculture, may be given leave of absence with pay for not to exceed 30 days for any one year, which may be taken in the United States or elsewhere, accumulative for three years under such rules and regulations as the Secretary of Agriculture shall prescribe.

"SEC. 3. (a) Subject to the requirements of the civil service laws, and the rules and regulations promulgated thereunder, the Secretary of Agriculture is authorized to appoint, fix the compensation of, promote, demote, and separate from the service such clerks and other assistants for officers of the foreign agricultural service as he may deem necessary.

"(b) When authorized by the Secretary of Agriculture, officers of the foreign agricultural service may employ, regardless of their citizenship, in a foreign country from time to time, fix the compensation of, and separate from the service such clerical and other assistants as may be necessary.

"SEC. 4. (a) Any officer, assistant, clerk, or employee of the Department of Agriculture, while on duty outside of the continental limits of the United States and away from the post to which he is assigned, shall be entitled to receive his necessary traveling expenses and his actual expenses for subsistence, or a per diem in lieu of subsistence, equal to that paid to other officers of the Government when engaged in analogous foreign service.

"(b) The Secretary of Agriculture may authorize any officer of the foreign agricultural service to fix, in an amount not exceeding the allowance fixed for such officer, an allowance for actual subsistence, or a per diem allowance in lieu thereof, for any clerical or other assistant employed by such officer under subdivision (b) of section 3 when such clerical or other assistant is engaged in travel outside the continental limits of the United States and away from the post to which he is assigned.

"(c) Any officer, assistant, clerk, or employee of the foreign agricultural service, while on duty within the continental limits of the United States, shall be entitled to receive the traveling expenses and actual expenses incurred for subsistence, or per diem allowance in lieu thereof, authorized by law.

"SEC. 5. The Secretary of Agriculture may make such rules and regulations as may be necessary to carry out the provisions of this act and may cooperate with any department or agency of the Government, State, Territory, District, or possession, or department, agency, or political subdivision thereof, cooperative and other farm organizations, or any person, and shall have power to make such expenditures for rent outside the District of Columbia, for printing, telegrams, telephones, law books, books of reference, maps, publications, furniture, stationery, office equipment, travel and subsistence allowances, and other supplies and expenses as shall be necessary to the administration of the act in the District of Columbia and elsewhere. With the approval of the Secretary of Agriculture an officer of the foreign agricultural service may enter into leases for office quarters, and may pay rent, telephone, subscriptions to publications, and other charges incident to the conduct of his office and the discharge of his duties, in advance in any foreign country where custom or practice requires payment in advance."

This measure (H. R. 2152) is identical with H. R. 11074 of the Seventieth Congress which was favorably reported by the Committee on Agriculture and passed by the House March 14, 1928. The Committee on Agriculture is convinced that detailed and complete information on foreign competition and demand for agricultural products is absolutely essential to the successful administration of any farm-relief measure. We, therefore, recommend that this bill do pass.

The Committee on Agriculture made an extended report on H. R. 11074 under date of February 29, 1928, and this report is herewith quoted in full:

"H. R. 11074 is substantially the same as H. R. 10129, that was reported upon by the committee in the last Congress (H. Rept. No. 622, 69th Cong., 1st sess.) and passed the House April 7, 1926, to which has been added essential administrative features to make the foreign agricultural service of the Department of Agriculture uniform with the Foreign Service of the Department of State and the foreign service of the Department of Commerce in order to prevent any conflict of authority at foreign posts and to insure harmonious action by the various representatives of the United States and to avoid all duplication of effort in so far as possible in the interests of economy and efficiency.

"Since comprehensive hearings were held and a complete report printed on a similar bill (H. R. 7111), which passed the House April 16, 1924 (CONGRESSIONAL RECORD, vol. 65, pt. 7, p. 6500), the committee deemed it unnecessary to hold new hearings.

"This bill definitely places in the Department of Agriculture the foreign agricultural service of the United States in conformity with the spirit and letter of the organic act creating the department and puts into permanent legislative form authority now carried in the annual appropriation bill. It clearly defines the activities of the department, extends to the foreign field the services that the department is now

rendering in the United States regarding competition and demand for agricultural products, the marketing and distribution problems of cotton, tobacco, wheat, fruits and vegetables, animals and animal products, and all other farm products, the investigation of farm management and other phases of the agricultural industry, and the conduct of any activities in which the Department of Agriculture is now authorized, or in future may be authorized, to engage.

"The bill has the approval of the Secretary of Agriculture and the Secretary of Commerce, who urge its enactment, as is indicated by the following letters:

"MARCH 10, 1928.

"Hon. GILBERT N. HAUGEN,

"Chairman Committee on Agriculture and Forestry,

"House of Representatives.

"MY DEAR MR. HAUGEN: There are being introduced in Congress and referred to various committees the following bills giving statutory recognition to the foreign services of the Departments of Agriculture and Commerce: H. R. 3858 and S. 3383 on that of the Department of Commerce, and H. R. 10129 and S. 3473 on that of the Department of Agriculture. These measures have been subject to the most careful consideration on the part of both departments, individually and in consultation, and in their present form they represent the joint agreement of the two departments. We, therefore, recommend their early and favorable consideration by the Congress.

"Very sincerely yours,

"HERBERT HOOVER,

"Secretary of Commerce.

"W. M. JARDINE,

"Secretary of Agriculture.

"Hon. W. M. JARDINE,

"Secretary of Agriculture, Washington, D. C.

"MY DEAR MR. SECRETARY: The draft of "A bill to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture," as submitted to this department by your office on January 31, 1928, is a helpful step toward more uniform and better administration in that it places the proposed staff of the Department of Agriculture on a comparable footing with the Foreign Commerce Service as defined in the Hoch Act of March 3, 1927. It seems to me that the passage of this measure will contribute materially toward more effective collaboration between the two services and I hope, therefore, that it will receive early and favorable consideration by Congress.

"Faithfully yours,

"HERBERT HOOVER,

"Secretary of Commerce.

"The committee has on file in its office a statement indorsing the Ketcham bill in the Sixty-eighth Congress signed by 19 leaders of American agriculture, representing millions of farmers, as follows:

"H. R. 7111, introduced by Mr. KETCHAM, is a bill to promote American agriculture by making available and expanding the service now rendered by the Department of Agriculture in gathering and disseminating information regarding agricultural production, competition, and demand in foreign countries in promoting the sale of farm products abroad and in other ways. We strongly urge all Senators and Congressmen to facilitate the passage of this bill. There never was a time in the history of American agriculture when there was greater need of the activities contemplated by this bill.

"Respectfully submitted.

"L. J. Tabor, master, National Grange; T. C. Atkeson, Washington representative of the grange; C. S. Barrett, president Farmers' Educational and Cooperative Union of America; F. J. Haganbarth, president National Wool Growers' Association, by S. W. McClure; A. M. Loomis, secretary American Dairy Federation and secretary National Dairy Union; George C. Jewett, general manager American Wheat Growers' Association; Charles V. Holman, secretary National Cooperative Milk Producers' Federation and secretary National Board of Farm Organizations; Chester Davis, commissioner of agriculture, State of Montana; Western Tariff Association, by S. W. McClure, manager; Pendleton Commercial Association, by S. R. Thompson, chairman agricultural committee, also president of Oregon Export League; Charles E. Hearst, president Iowa State Farm Bureau, Des Moines; George E. Duis, North Dakota Wheat Growers' Association, Grand Forks, N. Dak.; W. L. Stockton, Clarkston, Mont., president Montana State Farm Bureau; Carl Gundersen, South Dakota Wheat Growers' Association, Mitchell, S. Dak.; G. P. Mix, Moscow, Idaho; T. C. Winn, Nephi, Utah; A. R. Shumway, Milton, Ore.; Oregon Wheat Growers' Association; Hubert Egbert, president Farmers' Union, The Dalles, Ore.; S. Sykes, president Corn Belt Meat Producers' Association."

"A consideration of the problems involved in the disposition of the surplus of agricultural products abroad and the adjustment of farm

production at home and the work that is already being done in the Department of Agriculture convinces the committee of the value and importance of this work.

#### AMERICAN AGRICULTURE REQUIRES A UNIFIED WORLD SERVICE

"The Department of Agriculture can not render an adequate service to the agricultural producers of the United States without extending its activities into foreign fields. Foreign competition and demand directly affect about 90 per cent of American agricultural products entering into market channels. A few concrete examples will clearly indicate the need of a unified world service for American agriculture.

"The size of the foreign wheat crop is a very important factor in determining the price that the Kansas producer receives for his wheat not only in Liverpool but also in Kansas City. The foreign market demand for wheat is also an important factor. In planning the production and marketing of the crop, therefore, the wheat producer must have information as to prospects for production in Canada, Argentina, and all other important foreign producing countries, and the demand for wheat in foreign markets. This must be added to similar information as to prospects for production and consumption of wheat in the United States to give a more complete picture of the situation involved in the production and marketing of the crop. The Department of Agriculture collects the necessary information concerning the United States and must have similar information concerning foreign countries in order to render an adequate service to American producers.

"The quality of the crop may be as important or more important than its volume in determining the market. The different classes of wheat produced in the United States, for example, have different markets on account of their difference in quality. A large part of our durum wheat has to be marketed in foreign countries, while most of our soft red winter wheat is consumed in the United States. While the market for durum may be affected to some extent by the world's total wheat crop, it is much more influenced by the production of similar wheats in a very few countries. A large share of our hard red winter wheat also is marketed abroad in competition with foreign wheats. To understand competition to be met from foreign wheats it is necessary to have information concerning the character of wheats produced and the uses of wheat or wheat flour in foreign countries. The Department of Agriculture has the equipment for studying the characteristics of different wheats, their milling values, and the baking qualities of flour produced from them. The specialists of the department have the training and experience necessary to appraise foreign wheats as well as the domestic wheats.

"The establishment and maintenance of uniform standards for grading wheat are as necessary for exporting as for selling in our own markets. The greater the distance between the producer and consumer, the greater is the need for standardization that will guarantee to the consumer the quality of his purchase and protect the shipper in making delivery to the purchaser. From time to time the department finds it necessary to send experienced inspectors abroad to make contacts with foreign buyers to explain the application of our inspection service and standards to wheat consigned to foreign markets.

"Marketing may be said properly to begin with production. Knowledge of the character and qualities of the wheat produced in competing countries is necessary to producers of the United States in determining what kind of wheat they shall produce. The Department of Agriculture sends men all over the world to collect and introduce into the United States promising new varieties of wheat. At the same time the department should study the demand for the flour or wheat to be produced from these new varieties and the amount of competition to be met with from other parts of the world. In encouraging or aiding in the development of wheat production in the different parts of the United States, the department must consider prospects for production in all parts of the world, both as to quantity and quality. Production and marketing are thus so tied together that it would be impracticable to separate the administration of services relating to production and marketing, and certainly impracticable to separate the economic service relating to foreign competition and demand from that relating to production and marketing in the United States.

"The Department of Agriculture furnishes specialized services through all the processes of production and marketing. The work which the department is now doing with respect to apples illustrates the possibilities of a united economic service beginning with production on the farms in the United States and ending with consumption in foreign countries. A considerable volume of American apples is exported each year to foreign countries, particularly European. The Department of Agriculture keeps apple producers informed as to production prospects in the various regions of the United States, and, during the marketing, as to the current movement of apples and supplies on principal domestic markets. Similarly, the necessary information concerning the European apple market is supplied from abroad by a fruit specialist of the department. During the export season he has headquarters in London from which he visits the important European markets, reporting currently on these markets. When not thus occupied he makes surveys of important competitive producing areas and spends some time each year



in the United States dealing with export problems of producers and shippers.

"In order to recognize opportunities on foreign markets and to advise American apple producers how to increase their returns on export consignments, it is necessary that the man know intimately the phases of the industry in the United States as well as that in competing foreign countries and the foreign markets. He must examine the foreign markets from the point of view of the American producer and be able to weigh the cost involved in carrying out his recommendations against the prospective gains. He must know where the numerous varieties of apples are produced in the United States and the particular conditions surrounding the production and marketing. On foreign markets, he recognizes the different varieties of apples, knows where they originated, and is familiar with the conditions which resulted in their being placed on that market. Apples are a perishable commodity, and a specialist must be in a position to recommend methods of handling in transportation and refrigeration practices which will improve the condition of the apples upon arrival in foreign markets. In addition, the department specialist is qualified to pass on the condition and grade of the fruit when it arrives on the foreign market, and in this connection to aid in adjusting difficulties which may arise between exporter and importer. Situations arise on foreign markets when quick advice will turn loss into profit. A case in point this year was the arrival on European markets of considerable quantities of high-quality, low-priced Russian Crimean apples. Trade reports from foreign markets concerning the volume of Crimean shipments, their quality and low prices alarmed some of the American producers shipping to these markets. The Department of Agriculture specialist, however, immediately cabled that the Newton variety of the United States was most directly concerned but that there was no necessity for any uneasiness, as the available volume of Crimean apples was limited and that the Russian shipments would end by the last of December following the last Crimean apple auction and before large volume shipments of our Newtons ordinarily arrive on European markets.

"This year in the early season large quantities of American barreled apples were arriving in poor condition with much overripe fruit and slight decay and prices obtained were reduced accordingly. In the first week in January, however, the specialist noted that apples from the same orchards were arriving in excellent condition. The specialist immediately recognized that the later shipments were coming out of cold storage and, therefore, advised that next season all apples in the early season shipments should be "precooled." The carrying out of this one bit of advice will mean big gains to the American apple producers next season.

#### COOPERATION OF OTHER DEPARTMENTS

"The Department of Agriculture utilizes to the fullest extent the agencies of other departments of the Government operating abroad. All information of value to agriculture in the reports of the Consular and Commercial Services is assembled, interpreted for the American farmer, and made available by the Department of Agriculture to agricultural interests in the United States at the earliest possible moment after its receipt. Through arrangements with the State Department, the Bureau of Agricultural Economics is coordinating the reporting on agricultural subjects by the more than 400 American consuls distributed throughout the world. Over 600 consular reports on agricultural subjects are being received monthly. The Department of Commerce also cooperates through its Bureau of Foreign and Domestic Commerce by making available to the Department of Agriculture reports that contain information relative to economic conditions in foreign countries which affect the demand for agricultural products.

#### WORLD CROP AND MARKET REPORTING SERVICE

"The Department of Agriculture is in a position to organize and direct the activities of a foreign service for agriculture and to utilize this service in promoting the welfare of American agriculture. It is continually studying agricultural problems and knows the needs of agriculture. The department has a large corps of scientific men to advise and assist foreign agricultural service officers in their work and to make full use of the results of this work. Through thousands of field officers, county agents, crop reporters, and many other agencies the department has direct and close contact with individual producers and cooperative associations. It has organized machinery, such as widely distributed branch offices, leased wire systems, and radio, for rapidly conveying information to the producers. This machinery already established gives the information as to foreign competition and demand for agricultural products wide and effective distribution at a comparatively small cost.

"Agriculture needs a world crop and market reporting service. An effective service can be developed by the Department of Agriculture through its agriculturally trained representatives in foreign countries, with the assistance of American consuls, representatives of the Department of Commerce, and the International Institute of Agriculture. A beginning in the development of such a service has been made by the Department of Agriculture. Reports as to crops in all parts of the world are now received by cable through the Consular Service and the international institute, and reports as to foreign market conditions,

stocks, prices, and shipments of products to the United States are received daily by cable and radio from representatives of the department in Germany, Great Britain, and China, and from American consuls.

"The special reports from representatives of the department and all information as to crop and market conditions in foreign countries received through other channels are assembled and carefully interpreted in the department for distribution to farmers and others interested in agriculture. Channels of distribution have already been established. Timely information is broadcast by leased wire and radio. More extensive and detailed reports are prepared for publication. Special commodity mailing lists have been built up and on some commodities an effective service has already been developed. The weekly publication, Foreign Crops and Markets, has become fairly well established and is being widely reprinted by farm papers, farmers' cooperative marketing organizations, trade journals, and newspapers.

"The Ketcham bill proposes to make permanent and more effective this service to the American farmer. Utilizing all of the existing facilities of the Department of Agriculture the foreign agricultural service will thus be in contact with every agricultural cooperative association and private marketing organization in the country. Through the extension service of the department it will be in contact with the individual producers whether associated cooperatively or marketing their products individually. Through these channels of direct contact the information relative to competition from abroad and the demand of foreign markets for American agricultural products will be transmitted in the most direct and understandable manner to producers and to those marketing farm products."

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. COLLINS. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Mississippi makes the point of order that there is no quorum present. The Chair will count. [After counting.] Seventy-one Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 38]

|               |                 |                  |                 |
|---------------|-----------------|------------------|-----------------|
| Allen         | De Priest       | Kemp             | Rayburn         |
| Allgood       | Dickinson       | Kendall, Pa.     | Sabath          |
| Andrew        | Dominick        | Kennedy          | Sanders, N. Y.  |
| Auf der Heide | Douglas, Ariz.  | Kiefner          | Seiberling      |
| Bacon         | Douglass, Mass. | Kiess            | Selvig          |
| Baird         | Doutrich        | Kunz             | Short, Mo.      |
| Bankhead      | Doyle           | Kurtz            | Shreve          |
| Beck          | Ellis           | LaGuardia        | Simms           |
| Beedy         | Estep           | Langley          | Sirovich        |
| Beers         | Evans, Mont.    | Larsen           | Snell           |
| Bell          | Fenn            | Leech            | Somers, N. Y.   |
| Black         | Fish            | Lehlbach         | Stalker         |
| Bloom         | Fisher          | Letts            | Stedman         |
| Bolton        | Freeman         | McClintic, Okla. | Stevenson       |
| Box           | Fuller          | McCormick, Ill.  | Stobbs          |
| Brand, Ohio   | Gambrill        | McDuffie         | Stone           |
| Brigham       | Garrett         | McFadden         | Strong, Pa.     |
| Britten       | Gavagan         | McReynolds       | Sullivan, N. Y. |
| Brumm         | Gifford         | Magrady          | Sullivan, Pa.   |
| Buchanan      | Golder          | Mead             | Swick           |
| Burdick       | Granfield       | Merritt          | Thatcher        |
| Busby         | Greenwood       | Michaelson       | Timberlake      |
| Byrns         | Gregory         | Montague         | Tucker          |
| Canfield      | Hadley          | Montet           | Turpin          |
| Carley        | Hale            | Mooney           | Underhill       |
| Chase         | Hancock         | Moore, Ohio      | Underwood       |
| Chindblom     | Hartley         | Moore, Va.       | Vestal          |
| Clague        | Hess            | Mouser           | Vincent, Mich.  |
| Clark, Md.    | Hoch            | Murphy           | Walker          |
| Clarke, N. Y. | Hoffman         | Nelson, Wis.     | Welch, Calif.   |
| Connery       | Holaday         | Norton           | Welsh, Pa.      |
| Connolly      | Hudspeth        | O'Connell        | White           |
| Cooke         | Hull, Tenn.     | O'Connor, Okla.  | Whitley         |
| Cooper, Ohio  | Igoe            | Owen             | Wigglesworth    |
| Cox           | Jenkins         | Parker           | Williams, Tex.  |
| Coyne         | Johnson, Ill.   | Parks            | Wolfenden       |
| Crail         | Johnson, Ind.   | Patterson        | Woodrum         |
| Crisp         | Johnson, Wash.  | Peavey           | Wyant           |
| Crosser       | Johnston, Mo.   | Perkins          | Yates           |
| Crowther      | Jonas, N. C.    | Porter           | Yon             |
| Curry         | Kahn            | Pou              | Zibelman        |
| Davenport     | Kearns          | Pritchard        |                 |
| Dempsey       | Kelly           | Ransley          |                 |

The CHAIRMAN. The committee will rise and report to the House.

Thereupon the committee rose; and the Speaker pro tempore having resumed the chair, Mr. LEAVITT, Chairman of the Committee of the Whole House on the state of the Union, having under consideration the bill (H. R. 2152) to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes, reported that that committee had found itself without a quorum, that he had ordered the roll to be called, whereupon it was developed that there were present 255 Members, and he submitted the names of the absentees.

The SPEAKER pro tempore. A quorum is present. The committee will resume its session.

The committee resumed its session.

Mr. KETCHAM. Mr. Chairman, I yield myself three additional minutes.

Mr. STAFFORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. How much time remains of general debate?

The CHAIRMAN. Ten minutes.

Mr. KETCHAM. Mr. Chairman and members of the committee, I hope we shall speedily complete the consideration of this bill. That will depend upon the length of time taken in the reading of the bill and the offering of amendments. I think it will take only about 15 or 20 minutes. I thank the Members present for the interest they have taken in this legislation.

Something has been said about cross purposes—double-crossing. So far as I am concerned, there has been nothing of that sort. I am anxious that this legislation shall be adopted. The Farm Board desires that it shall be adopted. The Department of Agriculture is committed to it. The farm organizations of the country are for it. In this connection I desire to present a statement joined in by three great farm organizations, asking for the passage of this bill.

THE NATIONAL GRANGE,  
THE AMERICAN FARM BUREAU FEDERATION,  
THE NATIONAL COOPERATIVE MILK PRODUCERS' FEDERATION,  
Washington, D. C., May 6, 1930.

To Members of the United States House of Representatives:

The undersigned representatives of agricultural organizations desire to draw your attention to the Ketcham bill (H. R. 2152) providing for a foreign agricultural information service to be established in the Department of Agriculture for the benefit of the agricultural interests of the United States and placing this service upon a parity with the foreign services of an economic character now conducted under the direction of the Secretaries of State and Commerce.

For a number of years our organizations have been in favor of this principle and have been opposed to any effort to have the foreign agricultural observers placed under the direction of any department or governmental agency other than the Department of Agriculture.

The House of Representatives in a former Congress demonstrated its belief in the worthiness of the Ketcham bill by adopting it. The pending bill has been favorably reported by the House Committee on Agriculture. It has the indorsement and support of our organizations and units composing them.

We urge your support to, and early passage of, this measure. Respectfully submitted.

THE NATIONAL GRANGE,  
FRED BRECKMAN, Washington Representative.  
THE AMERICAN FARM BUREAU FEDERATION,  
CHESTER H. GRAY, Washington Representative.  
THE NATIONAL COOPERATIVE MILK PRODUCERS' FEDERATION,  
CHARLES W. HOLMAN, Secretary.

In answer to the challenge that there is some double-crossing in this bill, I am of the opinion, and I am backed up in it by the parliamentarians of the House, that there is only one way by which this foreign service of the Department of Agriculture can be assured, and that is by a bill authorizing it to be done, and then this Congress can make such provision as is proper in its judgment.

There has been considerable shadow boxing and names called this afternoon, but the only purpose of the bill is to do what the Secretary of Agriculture wants done, and what the agricultural papers and the farm organizations want done; and this is the only way it can be done. [Applause.]

Mr. WOOD. Mr. Chairman, will the gentleman yield?

Mr. KETCHAM. Yes.

Mr. WOOD. Does the gentleman mean to tell this House that the President of the United States wants to do that?

Mr. KETCHAM. I mean to say this, that in my opinion the President of the United States wants this foreign service established and this bill is the only method by which this can be done.

Mr. WOOD. Do you mean he wants this bill passed for that purpose?

Mr. KETCHAM. In my judgment—and this is said respectfully—in my opinion, this is the only way that what the President desires to be done can be done.

Mr. JONES of Texas. What he recommended when he was Secretary of Commerce.

Mr. WOOD. Do you mean to say that the Secretary of Agriculture wants this bill passed?

Mr. KETCHAM. I am not in a position to quote the Secretary of Agriculture on this particular bill.

Mr. WOOD. Do you mean to say that the Secretary of Commerce wants this bill passed?

Mr. KETCHAM. I can not speak on that with authority, but my belief is that he does not want this bill passed.

Mr. WOOD. Do you mean to say that the Secretary of State wants this bill passed?

Mr. KETCHAM. I am unable to state.

Mr. WOOD. I will say that every agency that the gentleman has spoken of wants this bill defeated.

Mr. KETCHAM. I will say in answer to that that in my judgment—

Mr. WINGO. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. WINGO. It is out of order to air these family troubles of the administration in public. I think we ought to rise and the committee ought to find out what the President and the Secretaries of the departments want.

Mr. KETCHAM. Gentlemen, do not forget that this is the only method by which the thing that all the agricultural agencies named desire to accomplish can be accomplished in the present parliamentary situation. It is the only way.

The CHAIRMAN. The time of the gentleman from Michigan has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

*Be it enacted, etc.,* That for the purpose of encouraging and promoting the agriculture of the United States and assisting American farmers to adjust their operations and practices to meet world conditions, the Secretary of Agriculture shall—

(a) Acquire information regarding world competition and demand for agricultural products and the production, marketing, and distributing of said products in foreign countries and disseminate the same through agricultural extension agencies and by such other means as may be deemed advisable.

(b) Investigate abroad farm management and any other economic phases of the agricultural industry and, in so far as is necessary to carry out the purposes of this act, conduct abroad any activities, including the demonstration of standards for cotton, wheat, and other American agricultural products, in which the Department of Agriculture is now authorized or in the future may be authorized to engage. Nothing contained herein shall be construed as prohibiting the Department of Agriculture from conducting abroad any activity for which authority for thus conducting it may exist.

Mr. WOOD. Mr. Chairman, I move to strike out the enacting clause. I also rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WOOD. I do not know what the practice or purpose will be with respect to the consideration of this bill. I ask whether or not amendments may be offered at the end of each clause, or at the end of each section.

Mr. KETCHAM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KETCHAM. What was the motion of the gentleman from Indiana?

The CHAIRMAN. The motion of the gentleman from Indiana [Mr. Wood] was to strike out the enacting clause, upon which there is five minutes' debate in favor and five minutes against.

The gentleman from Indiana is recognized for five minutes.

Mr. KETCHAM. Mr. Chairman, may I propound a parliamentary inquiry?

The CHAIRMAN. The gentleman will state it.

Mr. KETCHAM. Would a motion to amend the section that has been read be a preferential motion?

The CHAIRMAN. It would not. A motion to strike out the enacting clause is a preferential motion.

The gentleman from Indiana [Mr. Wood] is recognized.

Mr. WOOD. Mr. Chairman, all I desire to say upon this proposition is that it must be perfectly patent that there is something wrong with this bill. The gentleman from Michigan [Mr. KETCHAM], for whom I have the highest regard, has answered categorically that the President of the United States is opposed to it, that the Secretary of State is opposed to it, that the Secretary of Commerce is opposed to it, that the Federal Farm Board is opposed to it. Now, there must be some good reason for these things.

Mr. CANNON. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. CANNON. Does the gentleman know that every national farm organization of America has indorsed the bill within the last week?

Mr. WOOD. Well, I can understand that. I have had those letters, but somebody has sent out word to send us a telegram of that kind. That is all that amounts to. I have reached the point in my career in Congress when those things, without sound reason, do not amount to much. I have written letter after letter back to gentlemen who have told me they wanted me to vote this way or that way to give me a reason, and there



has not been one in a hundred that replied. So I do not attach much importance to that.

Now, I want to say to gentlemen on both sides of the House that there should not be any politics in this, and if we have faith in the President, if we have faith in the Department of Agriculture, if we have faith in the Department of Commerce, if we have faith in this great agency that we hope will bring relief to the farmers, all of whom are opposed to this bill, we should not pass it.

That is my reason for this motion.

Mr. KETCHAM. Mr. Chairman, I rise in opposition to the motion.

In reply, may I say again that in my judgment all the agencies that have been enumerated by the distinguished gentleman from Indiana [Mr. Wood] are in favor of establishing an agricultural foreign service. There can be no question about that. Their indorsement of the idea of a foreign service under a plan of administration slightly different from that proposed in this bill is unanimous and emphatic. The gentleman will not deny that, I am sure.

Mr. WOOD. I will admit that; but let me ask the question, why not let us do it in order?

Mr. KETCHAM. I will answer that, and I beg the membership of the House to listen to me. I maintain that under the parliamentary situation it can not possibly be that this proposition that is so much desired by agriculture, which has been agreed to, and which has the enthusiastic support of the Farm Board, which called a special session to ask for the passage of this bill, must be accomplished by the enactment of this legislation. This is the last opportunity that the Members of this House will have to give force and effect to this very necessary legislation.

Mr. JONES of Texas. Mr. Chairman, I do not care to take any time further than to read again a letter from Mr. Hoover, when he was Secretary of Commerce, two years ago, when an agreement was made for the establishment of the two services. This is the bill about which this letter was written:

The draft of a bill to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture, as submitted to this department by your office on January 31, 1928, is a helpful step toward more uniform and better administration, in that it places the proposed staff of the Department of Agriculture on a comparable footing with the Foreign Commerce Service, as defined in the Hoch Act of March 3, 1927. It seems to me that the passage of this measure will contribute materially toward more effective collaboration between the two services, and I hope, therefore, that it will receive early and favorable consideration by Congress.

This was written by Herbert Hoover as Secretary of Commerce. A bill was drafted to promote commerce in accordance with its terms, and passed by Congress. The same bill is now being considered for passage, to look after the foreign markets and foreign trade of American agriculture. Both parties have pledged themselves to put agriculture on a basis of equality with industry. This will enable us to establish a similar service for agriculture. We can make such change as may be found necessary at a later date.

The compromise that was suggested was suggested as a rider on an appropriation bill, which also establishes the service in a little different form. If you want to do justice to American agriculture, if you want to follow the lead of every great farm organization in America that has indorsed this bill, you should vote to pass the measure. [Applause.]

The CHAIRMAN. All time has expired.

The gentleman from Indiana [Mr. Wood] moves that the committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken from the bill.

The question was taken; and upon a division (demanded by Mr. Wood) there were—ayes 20, noes 116.

So the motion was rejected.

Mr. WOOD. Mr. Chairman, I ask for tellers.

Mr. O'CONNOR of Louisiana. Mr. Chairman, I make a privileged motion. I move that the committee do now rise.

The CHAIRMAN. The gentleman from Louisiana [Mr. O'CONNOR] moves that the committee do now rise.

The question was taken; and upon a division (demanded by Mr. O'CONNOR of Louisiana) there were—ayes 38, noes 125.

So the motion was rejected.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I would not take the floor at this time to speak on this pro forma amendment if this large membership had been present when the gentleman from Indiana [Mr. Wood] was giving his reasons in extenso as to why this bill should not be passed.

There are many objections to this bill, and I would not rise if I had not had acquaintance years back with the character of the work that is done in connection with the commercial attachés and commercial agents. As the gentleman from Indiana [Mr. Wood] stated, and as I repeat, the commercial attachés' service, with its headquarters in the principal cities of the world, has agents that go into various countries to perform the very work that is provided for in this bill. Further, there is no limit whatsoever on the number that may be appointed and on the appropriations that may be carried over than that the bill provides that the men employed shall receive the same maximum salaries as are provided for in the commercial attachés' service.

In these days of correlated service, tell me why we should duplicate the existing service? No one from the Committee on Agriculture, in support of this bill, has made any argument showing that the existing service can not meet the demands of agriculture; not one. Nor has anyone from the Committee on Agriculture been able to state what the limit of cost would be.

It has been stated that this very character of service can be performed by the existing organization. To my certain knowledge, the agents attached to the commercial attachés' service in past years did this very work, so far as ascertaining the needs of cotton and other industries in China and in Russia. Therefore, in these times, why should we follow the fetish of a department which wants to set up one department as against another?

It is true that when the commercial attachés' service was established it was opposed by the State Department. I believe it should have been correlated with the State Department and that that service should be under the State Department.

What do you do in this bill? You really create an unnecessary agency under the guise that it is necessary for agriculture, when it is not. The President of the United States, as I gathered from the statement made by the chairman of the Appropriations Committee, is planning to have the agents who are attached to the commercial attachés' service do this very character of work. Gentlemen on this side are certainly in favor of economy and do not favor the creation of an additional organization when it will result in duplicating service.

Mr. GREEN. The gentleman should remember we want something.

Mr. STAFFORD. The gentleman is getting something in the tariff act. He has no right to complain that he is not getting anything. He is getting everything. He is getting a tariff on strawberries and other products.

Mr. GREEN. I voted for the tariff, and I am for the tariff.

Mr. STAFFORD. I know the gentleman is a high protectionist. I know you are getting everything, and you have no right to complain at all. Let some other Member rise who is not getting anything.

Mr. EDWARDS. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. EDWARDS. The gentleman states that this work is being done by the commercial attachés service.

Mr. STAFFORD. It can be done by that organization, and it is proposed, as I understand from the statements made by the gentleman from Indiana, by the administration to have the work coordinated and have it done under that agency.

Mr. EDWARDS. If the gentleman will permit this observation, it is supposed to be done, but they are not looking after agriculture.

Mr. GREEN. The gentleman realizes we are producing a surplus of agricultural products, and this will help to take care of the surplus.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. KETCHAM. Mr. Chairman, I move that all debate on this section and all amendments thereto do now close.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were—ayes 88, noes 48.

Mr. WOOD. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. KETCHAM and Mr. WOOD.

The committee again divided; and the tellers reported that there were—ayes 86, noes 55.

So the motion was agreed to.

Mr. WOOD. Mr. Chairman, I move to strike out section 1.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. Wood moves to strike out all of section 1.

The CHAIRMAN. The question is on the motion of the gentleman from Indiana to strike out the section.

The question was taken; and on a division (demanded by Mr. Wood) there were—ayes 38, noes 96.

So the amendment was rejected.

The Clerk read as follows:

SEC. 2. (a) The present representatives of the Bureau of Agricultural Economics of the Department of Agriculture now stationed abroad shall be officers of the foreign agricultural service of the United States, and the Secretary of Agriculture may appoint other officers in said service from time to time in accordance with civil-service procedure. All such officers shall constitute the foreign agricultural service of the United States, and shall be known as agricultural attachés, assistant agricultural attachés, or by such other titles as may be deemed appropriate by the Secretary of Agriculture. Any officer in said service, when designated by the Secretary of Agriculture, shall, through the Department of State, be regularly and officially attached to the diplomatic mission of the United States in the country in which he is to be stationed, or to the consulate of the United States, as the Secretary of Agriculture shall designate. If any such officer is to be stationed in a country where there is no diplomatic mission or consulate of the United States, appropriate recognition and standing, with full facilities for discharging his official duties, shall be arranged by the Department of State. The Secretary of State may reject the name of any such officer if, in his judgment, the attachment of such officer to the diplomatic mission or consulate at the post designated would be prejudicial to the public policy of the United States.

(b) The Secretary of Agriculture shall appoint the officers of the foreign agricultural service to such grades as he may establish, with salaries in those grades comparable to those paid other officers of the Government for analogous foreign service.

(c) The Secretary of Agriculture is authorized to promote or demote in grade or class, to increase or decrease within the salary range fixed for the class the compensation of, and to separate from the service, officers of the foreign agricultural service, but in so doing the Secretary shall take into consideration records of efficiency.

(d) No officer of the foreign agricultural service shall be considered as having the character of a public minister.

(e) Any officer of the foreign agricultural service may be assigned for duty in the United States for a period of not more than three years without change in grade, class, or salary, or with such change as the Secretary of Agriculture may direct.

(f) The Secretary of Agriculture is authorized to pay the expenses of transportation and subsistence of officers in the foreign agricultural service of the United States and their immediate families in going to and returning from their posts under orders from the Secretary of Agriculture. The Secretary of Agriculture is further authorized, whenever he deems it in the public interest, to order to the United States on his official leave of absence any foreign agricultural service officer who has performed three years or more of continuous service abroad: *Provided*, That the expenses of transportation and subsistence of such officers and their immediate families in traveling to their homes in the United States and return shall be paid under the same rules and regulations applicable in the case of officers going to and returning from their posts under orders of the Secretary of Agriculture when not on leave: *Provided further*, That while in the United States the services of such officers shall be available for such duties in the Department of Agriculture and elsewhere in the United States as the Secretary of Agriculture may prescribe. Any officer in the foreign agricultural service, in the discretion of the Secretary of Agriculture, may be given leave of absence with pay for not to exceed 30 days for any one year, which may be taken in the United States or elsewhere, accumulative for three years, under such rules and regulations as the Secretary of Agriculture shall prescribe.

Mr. KETCHAM. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I said a few moments ago that we were trying to make all reasonable speed in the consideration of this bill, and subject to some few amendments that may be proposed, none by the friends of the bill, may I say we will expedite its consideration as rapidly as we can and we hope to have your assistance and the bill out of the way in a reasonably short time.

I want to take two or three minutes to address myself to one or two points that have been made, and I do this simply for the benefit of a number who were not present during the debate on the bill.

I think possibly just a word of history ought to be recited. It will be recalled that about eight years ago a proposal came to establish a foreign service—

Mr. SCHAFER of Wisconsin. Mr. Chairman, I make the point of order the gentleman is not talking to the amendment he has offered. The gentleman did not want to have any debate a moment ago and railroaded through a motion to close debate.

The CHAIRMAN. The gentleman from Michigan will proceed in order.

Mr. KETCHAM. May I ask the Chair what are the last two words.

The CHAIRMAN. "Shall prescribe."

Mr. KETCHAM. The bill "prescribes" very many excellent provisions. [Laughter.] And these provisions "prescribed" by the bill have only been "prescribed" after very mature consideration by various departments of Government that are tremendously interested in the establishment of this foreign service.

Mr. HARE. Will the gentleman yield?

Mr. KETCHAM. I will be pleased to yield.

Mr. HARE. The gentleman was proceeding to tell something about the organization of the Bureau of Foreign and Domestic Commerce, and I would like to hear him on that.

Mr. KETCHAM. I would be pleased to proceed in that direction, but a point of order was made, and I am restricted to the last two words. So I am talking about the last two words, "shall prescribe."

The provisions in the bill prescribed by the Department of Commerce two years ago were in perfect harmony with the ideas that have been prescribed by the Department of Agriculture, and we really believe that by reason of this "prescription," a most excellent, well-rounded service is to be set up. All we are asking in the "prescription" of this service provided in this bill is that agriculture shall come in, under the terms of the "prescription," on equal terms with the other great departments and only in a proper proportion.

Mr. DICKSTEIN. Will the gentleman yield for one question?

Mr. KETCHAM. I shall be pleased to yield.

Mr. DICKSTEIN. What is the total amount of the cost out of the Treasury?

Mr. KETCHAM. I am very happy the gentleman has asked that question. Would it be parliamentary for me to reply to the question?

Mr. DICKSTEIN. I think there would be no objection.

Mr. KETCHAM. I am very happy, indeed, and very much indebted to my colleague from New York for asking the question. I am happy to report that the Farm Board in "prescribing" this service said they were so enthusiastically for it that they are willing to set aside \$150,000 of the funds which have been previously allocated and appropriated by this Congress for the support of the service, so the new cost of it is to be very immaterial.

Mr. HUDSON. That is the beginning cost.

Mr. KETCHAM. Yes. So far as the prescribing of the actual number of places where this service shall be set up, may I say that it does not occur in the bill itself, but it has been very carefully worked out by the great Federal Farm Board, which, of course, is the special beneficiary of this legislation; and it certainly seems to me, therefore, that it ought not to be amended, and I move that all debate on this section and all amendments thereto do now close.

Mr. O'CONNOR of New York and Mr. WOOD rose.

Mr. O'CONNOR of New York. A point of order, Mr. Chairman.

Mr. KETCHAM. Mr. Chairman, I modify my motion and move that all debate on this section and all amendments thereto close in five minutes.

Mr. WOOD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WOOD. Mr. Chairman, if I understand the parliamentary situation, we have a right to make a motion either to amend or strike out each one of these separate subdivisions in this section marked (a), (b), (c), and so forth. I want to say now to the gentleman from Michigan and other gentlemen who want to railroad this bill through, that I shall offer my protest and if the bill has any virtue in it—

Mr. DOWELL. Mr. Chairman, a point of order. The gentleman is not in order.

The CHAIRMAN. The Chair recognized the gentleman from Indiana for a parliamentary inquiry.

Mr. WOOD. The motion of the gentleman from Michigan was that all debate on this section and all amendments thereto be closed in five minutes. Now, there are half a dozen clauses in this section.

Mr. DOWELL. Mr. Chairman, I renew the point of order; the gentleman is not making a parliamentary inquiry.

The CHAIRMAN. The Chair considers that the parliamentary inquiry is in the process of making.

Mr. WOOD. I am not opposing this bill because of any factious opposition, but I am opposed to it on its merits, and I propose to oppose it to the last word.



The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. WOOD. My inquiry is, May we have an opportunity to move to strike out each one of these subdivisions?

The CHAIRMAN. The gentleman would be in order in making such a motion; but if the motion of the gentleman from Michigan carries there will be only five minutes for debate upon this section and all amendments thereto.

Mr. STAFFORD. Mr. Chairman, I move to amend the motion of the gentleman from Michigan by making it 10 minutes.

The CHAIRMAN. The gentleman from Wisconsin moves to amend the motion of the gentleman from Michigan by making it 10 minutes. The question is on the motion of the gentleman from Wisconsin.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were 46 ayes and 81 noes.

Mr. STAFFORD. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The Chair appointed as tellers Mr. KETCHAM and Mr. STAFFORD.

The committee again divided; and the tellers reported 50 ayes and 77 noes.

So the motion of Mr. STAFFORD was rejected.

The CHAIRMAN. The question now is on the motion of the gentleman from Michigan to close all debate on the section and all amendments thereto in five minutes.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I move to amend the motion of the gentleman from Michigan by striking out five minutes and inserting nine minutes.

Mr. JONES of Texas. Mr. Chairman, I make the point of order that the motion is dilatory.

The CHAIRMAN. The Chair thinks that the dilatory stage has not yet been reached. The question is on the motion of the gentleman from Wisconsin to amend the motion of the gentleman from Michigan by making it nine minutes instead of five minutes.

The question was taken; and on a division (demanded by Mr. SCHAFER of Wisconsin) there were—ayes 32, noes 80.

So the motion of Mr. SCHAFER of Wisconsin was rejected.

Mr. SPROUL of Illinois. Mr. Chairman, I move that the committee do now rise.

The question was taken; and on a division (demanded by Mr. SPROUL of Illinois) there were—ayes 55, noes 82.

Mr. SPROUL of Illinois. I demand tellers.

Tellers were ordered; and the Chair appointed Mr. SPROUL of Illinois and Mr. KETCHAM as tellers.

The committee again divided; and tellers reported that there were—ayes 55, noes 79.

So the motion of Mr. SPROUL of Illinois was rejected.

The CHAIRMAN. The question now is on the motion of the gentleman from Michigan to close all debate on this section and all amendments thereto in five minutes.

The question was taken, and Mr. SCHAFER of Wisconsin demanded a division.

Mr. RAMSEYER. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. RAMSEYER. I make the point of order that the motion is dilatory.

The CHAIRMAN. What motion does the gentleman refer to? The matter before the House is whether there shall be a division.

Mr. RAMSEYER. It can be contended it is dilatory. I refer the Chair to page 346 of the House manual, paragraph 10. Vote after vote has been taken here on these minor matters, and each has turned out about 2 to 1. [Cries of "Oh, no!"]

Mr. STAFFORD. Why, a change of 10 votes would have made the committee rise on the last vote.

The CHAIRMAN. The Chair is ready to rule.

Mr. RAMSEYER. I do not care to take up the time of the Chair to read the various decisions, but it covers almost everything—time to fix debate, a motion to rise, a motion to adjourn, demand for tellers. That has been held dilatory also, and so on through. I am not going to argue this particular point, but I shall insist on the Chair enforcing the rule against dilatory motions.

The CHAIRMAN. The Chair is ready to rule.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I would like to be heard upon the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. SCHAFER of Wisconsin. The request for a division is certainly not dilatory, particularly in view of the fact that on the vote by ayes and noes it would seem to any fair-minded person paying attention that there was a very close division in the committee. Furthermore, this is not a trivial matter. These motions have been made in order to close debate. Many statesmen or would-be statesmen talk much about freedom of speech when they are running for office, and then come here

and try to cut off reasonable debate, in this important legislation, with steam-roller tactics.

The CHAIRMAN. The Chair is ready to rule. The Chair finds nothing in the precedents to hold that a request for a division is dilatory. He does find a demand for tellers to have been held to be dilatory, but not a division. The point of order is overruled.

The committee divided; and there were—ayes 101, noes 38.

So the motion to close debate in five minutes was agreed to.

Mr. WOOD. Mr. Chairman, this is the first time since I have been a Member of Congress that I have attempted to delay any procedure. I am actuated now only because of the duty I feel I owe to the Congress by what this means in the matter of appropriation and to the farmers themselves. The matter of appropriations is something that nobody here has mentioned a single word about. Apparently the gentlemen who are trying to drive this thing down our throats do not care much about what it is going to cost.

Mr. DICKSTEIN. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. DICKSTEIN. What will be the actual cost to maintain all of these departments in foreign countries? I understood one gentleman to say it would be \$150,000. I question whether that would cover one country.

Mr. WOOD. The gentleman misunderstood. At the time that the commercial attachés were established it cost about \$250,000. The Bureau of Foreign and Domestic Commerce is now costing more than \$5,000,000 a year. The gentlemen who are inaugurating this competition now have not been able to tell us what they expect this thing ultimately is going to cost. It will cost more than \$5,000,000 a year in time, because in this bill authority is given to the Secretary of Agriculture to fix any price he pleases, and it will become a matter of competition between these various activities as to what they shall pay. If you are going to establish this new service for the Department of Agriculture, to be fair you ought to give it to everyone of the other departments.

We have it now in the Departments of State and Commerce, and they have all the authority in the world to furnish every iota of service provided for in this bill. In addition to that, because of our great desire to help the farmer, we have given the Farm Board authority to appoint all kinds of agents to go abroad in order to get information to supplement their work. Let us at least exercise a little bit of common sense. Let us realize that the men and women who sent us here have some judgment, and let us not afford them facts upon which to convict us of a folly. I have as much regard for the farmer as anybody. I have voted for every farm bill that has ever been presented here. I was born with them, was raised with them, and all that I am I owe to them. I think I am still their friend, and I am defending them here against people who are not acquainted with the facts. I have studied their problems not only as chairman of the Committee on Appropriations but by reason of actual contact with them, and I know that in passing this bill we are doing them a disservice.

Mr. DICKSTEIN. Will the gentleman tell the House how many jobs this new bill will create?

Mr. WOOD. I can only estimate by what has been done. Already we have created under our present Foreign Services more than 4,000 jobs, and we will have in time a good proportion more under this.

The CHAIRMAN. The time of the gentleman from Indiana has expired, and the Clerk will read.

The Clerk read as follows:

SEC. 3. (a) Subject to the requirement of the civil service laws, and the rules and regulations promulgated thereunder, the Secretary of Agriculture is authorized to appoint, fix the compensation of, promote, demote, and separate from the service such clerks and other assistants for officers of the foreign agricultural service as he may deem necessary.

Mr. WOOD. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WOOD. While the debate had closed we had the right to move to strike out each one of these subsections. That opportunity was afforded, and I think the gentleman who are so anxious to railroad this thing through should not take advantage of that opportunity.

The CHAIRMAN. The Chair would have recognized such a motion, but nobody arose to make such a motion.

The Clerk will read.

The Clerk read as follows:

(b) When authorized by the Secretary of Agriculture, officers of the foreign agricultural service may employ, regardless of their citizenship, in a foreign country, from time to time, fix the compensation of and separate from the service such clerical and other assistants as may be necessary.

Mr. KETCHAM. Mr. Chairman, I move that all debate on this section and all amendments thereto shall now close.

Mr. STAFFORD. I have an amendment to the motion of the gentleman from Michigan, to close in five minutes. He ought to accept that.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Wisconsin [Mr. STAFFORD] to the motion of the gentleman from Michigan [Mr. KETCHAM] by limiting the time to five minutes.

The Clerk read as follows:

Mr. STAFFORD moves an amendment to the motion of Mr. KETCHAM to limit the time to five minutes.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mr. STAFFORD. I ask for a division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The question was taken; and there were—yeas 49, noes 77.

So the amendment was rejected.

The CHAIRMAN. The question is on the motion of the gentleman from Michigan, that all debate on this section and all amendments thereto be now closed.

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mr. STAFFORD. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The question was taken; and there were—yeas 91, noes 44.

So the motion was agreed to.

Mr. WOOD. Mr. Chairman, I move to strike out subdivision (a) of section 3.

The CHAIRMAN. The gentleman from Indiana [Mr. WOOD] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WOOD: Strike out subsection (a) of section 3.

The question was taken; and on a division (demanded by Mr. WOOD) there were—yeas 45, noes 81.

So the motion was rejected.

Mr. GREEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Florida [Mr. GREEN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. GREEN: Page 5, line 20, strike out the words "regardless of their citizenship" and insert the words "American citizens."

The question was taken; and on a division (demanded by Mr. GREEN) there were—yeas 54, noes 60.

Mr. GREEN. Mr. Chairman, I demand tellers.

Tellers were ordered; and the Chair appointed as tellers Mr. KETCHAM and Mr. GREEN.

Mr. KETCHAM. Mr. Chairman, the amendment offered by the gentleman from Florida [Mr. GREEN] will be accepted.

Mr. STAFFORD. Mr. Chairman, the gentleman from Michigan [Mr. KETCHAM] does not speak for the committee. He has no right to do that.

The CHAIRMAN. The tellers have been ordered.

The committee again divided; and the tellers reported that there were 68 yeas and 29 noes.

So the amendment was agreed to.

Mr. SPROUL of Illinois. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Illinois [Mr. SPROUL] moves that the committee do now rise.

The question was taken; and on a division (demanded by Mr. SPROUL of Illinois) there were—yeas 63, noes 80.

Mr. SPROUL of Illinois. Mr. Chairman, I ask for tellers.

Mr. RAMSEYER. Mr. Chairman, I make the point of order that the gentleman's request is dilatory.

The CHAIRMAN. In the opinion of the Chair, some of the motions made are beginning to approach the point of being dilatory, but the Chair is not yet ready to rule that the request for tellers on a vote as close as the last one is dilatory.

Tellers were ordered; and the Chair appointed Mr. KETCHAM and Mr. SPROUL of Illinois as tellers.

The committee again divided; and the tellers reported that there were yeas 69 and noes 79.

So the motion was rejected.

Mr. WOOD. Mr. Chairman, I move to strike out paragraph (b) of section 3.

The CHAIRMAN. The gentleman from Indiana [Mr. WOOD] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WOOD: Page 5, line 8, strike out all of subsection (b).

The question was taken; and on a division (demanded by Mr. WOOD) there were—yeas 46, noes 81.

So the motion was rejected.

The Clerk read as follows:

SEC. 5. The Secretary of Agriculture may make such rules and regulations as may be necessary to carry out the provisions of this act and may cooperate with any department or agency of the Government, State, Territory, District, or possession, or department, agency, or political subdivision thereof, cooperative and other farm organizations, or any person, and shall have power to make such expenditures for rent outside the District of Columbia, for printing, telegrams, telephones, law books, books of reference, maps, publications, furniture, stationery, office equipment, travel and subsistence allowances, and other supplies and expenses as shall be necessary to the administration of the act in the District of Columbia and elsewhere. With the approval of the Secretary of Agriculture an officer of the foreign agricultural service may enter into leases for office quarters, and may pay rent, telephone, subscriptions to publications, and other charges incident to the conduct of his office and the discharge of his duties, in advance in any foreign country where custom or practice requires payment in advance.

Mr. WOOD. Mr. Chairman, I move to strike out the section.

The CHAIRMAN. The gentleman from Indiana [Mr. WOOD] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. WOOD: On page 6, beginning with line 22, strike out all of section 5.

Mr. WOOD. Mr. Chairman and gentlemen of the committee, whatever I may say I expect will have but little effect as far as this committee is concerned, but I hope it may have some effect as far as the country is concerned.

I think the time has come when we should call a spade a spade. I do not believe there is a man here who believes implicitly in what he is voting for. If he does, he has to set himself up in opposition not only to the President of the United States, who is supposed, more than anybody else, to be charged with the conduct of our foreign affairs. If it were not so, the people of this country would not have elected him. But, discarding that, if you vote for this bill you will say to the Department of Agriculture that they do not know what they are talking about. You will say to the Department of Commerce, whose business it is to take care of the interests of the United States, that they have been derelict in their duties. You will say to this new agency of ours, which was established for the purpose of helping the farmer, that they do not know what they want. So I feel I have discharged my entire duty by bringing to you what these agencies whose business it is to advise us as to what is best for the conduct of this country have said about this.

If they have been false in the discharge of their duties, then we should be preparing articles of impeachment rather than keeping our ears to the ground as to what the voter may say. Do not fool yourselves about the voter. He has more sense than we have. [Applause.] In the long run, you will find the voter right.

Now, gentlemen, there is a way to fix this whole thing. Let the President, let the Secretary of Agriculture, let the Secretary of Commerce, and let the chairman of this Farm Board solve this question. We are not going to adjourn to-morrow.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. KETCHAM. Mr. Chairman, I move that all debate on this section and all amendments thereto do now close.

The CHAIRMAN. The question is on the motion of the gentleman from Michigan that all debate on this section and all amendments thereto do now close.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I make a motion to lay that motion on the table.

The CHAIRMAN. That motion is not in order in the Committee of the Whole House on the state of the Union. The question is on the motion of the gentleman from Michigan.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana to strike out the section.

The question was taken; and on a division (demanded by Mr. WOOD) there were—yeas 32, noes 92.

So the amendment was rejected.

Mr. KETCHAM. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to, and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. TILSON having assumed the chair as Speaker pro tempore, Mr. LEAVITT, Chairman of the Committee of the Whole House on the state of the



Union, reported that that committee, having had under consideration the bill (H. R. 2152) to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes, had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. STAFFORD. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Wisconsin makes the point of order that there is no quorum present. The Chair will count.

Mr. SPROUL of Illinois. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. SPROUL of Illinois) there were—ayes 50, noes 128.

So the motion was rejected.

Mr. STAFFORD. Mr. Speaker, I renew my point of order that there is no quorum present.

The SPEAKER pro tempore. The Chair will count.

Mr. RANKIN. Mr. Speaker, I make the point of order that it does not make any difference whether we have a quorum or not. We do not have to have a quorum to vote on adjournment.

Mr. STAFFORD. We have to have a quorum to do business, I will say to the gentleman from Mississippi.

The SPEAKER pro tempore. The Chair will count as to a quorum. The noes have it as far as the motion to adjourn is concerned. [After counting.] One hundred and seventy-nine Members are present, not a quorum.

Mr. KETCHAM. Mr. Speaker, I move a call of the House.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were—ayes 105, noes 60.

Mr. STAFFORD. Mr. Speaker, I demand the yeas and nays on the motion.

The yeas and nays were ordered.

The question was taken; and there were—yeas 131, nays 72, answered "present" 1, not voting 223, as follows:

[Roll No. 39]

YEAS—131

|                |                |               |                  |
|----------------|----------------|---------------|------------------|
| Abernethy      | Driver         | Johnson, Tex. | Ragon            |
| Adkins         | Dunbar         | Jones, Tex.   | Ramey, Frank M.  |
| Almon          | Edwards        | Kading        | Ramsayer         |
| Andresen       | Englebright    | Kendall, Ky.  | Ramspeck         |
| Arnold         | Eslick         | Kerr          | Reid, Ill.       |
| Bland          | Fulmer         | Ketcham       | Robinson         |
| Bohn           | Garber, Va.    | Kinzer        | Romjue           |
| Brand, Ga.     | Glover         | Knutson       | Rutherford       |
| Briggs         | Goldsbrough    | Kopp          | Sanders, Tex.    |
| Browne         | Goodwin        | Kvale         | Schneider        |
| Browning       | Green          | Lambertson    | Sears            |
| Buckbee        | Guyer          | Lanham        | Selvig           |
| Burtness       | Hall, Ind.     | Lankford, Ga. | Simmons          |
| Campbell, Iowa | Hall, Miss.    | Leavitt       | Sinclair         |
| Cannon         | Hall, N. Dak.  | Lozier        | Sloan            |
| Christgau      | Halsey         | Ludlow        | Snow             |
| Christopherson | Hare           | McMillan      | Sparks           |
| Clancy         | Hastings       | McSwain       | Spearing         |
| Clark, N. C.   | Haugen         | Maas          | Strong, Kans.    |
| Cole           | Hawley         | Manlove       | Summers, Tex.    |
| Collier        | Hill, Ala.     | Mapes         | Swanson          |
| Colton         | Hill, Wash.    | Michaelson    | Swing            |
| Cooper, Tenn.  | Hoch           | Milligan      | Tarver           |
| Cooper, Wis.   | Hogg           | Montet        | Thurston         |
| Craddock       | Holaday        | Moore, Ky.    | Tinkham          |
| Crisp          | Hooper         | Morehead      | Warren           |
| Cross          | Hope           | Nelson, Mo.   | Whitehead        |
| Culkin         | Howard         | Nolan         | Whittington      |
| Davis          | Hull, Wis.     | O'Connor, La. | Williamson       |
| Doughton       | Irwin          | Oldfield      | Wingo            |
| Dowell         | Jeffers        | Palmer        | Wolverton, N. J. |
| Doxey          | Johnson, Nebr. | Patman        | Wright           |
| Draue          | Johnson, Okla. | Pittenger     |                  |

NAYS—72

|              |                  |                  |                   |
|--------------|------------------|------------------|-------------------|
| Ackerman     | Elliott          | McCormack, Mass. | Shott, W. Va.     |
| Arentz       | Esterly          | McKeown          | Smith, W. Va.     |
| Aswell       | Fitzpatrick      | Martin           | Speaks            |
| Bachmann     | Foss             | Michener         | Sproul, Kans.     |
| Barbour      | French           | Miller           | Stafford          |
| Blackburn    | Gibson           | Morgan           | Steagall          |
| Bowman       | Granfield        | Nelson, Me.      | Summers, Wash.    |
| Butler       | Hall, Ill.       | O'Connor, N. Y.  | Taylor, Tenn.     |
| Carter, Wyo. | Hammer           | Oliver, Ala.     | Temple            |
| Celler       | Hickey           | Oliver, N. Y.    | Thompson          |
| Chalmers     | Hopkins          | Prall            | Tilson            |
| Cochran, Mo. | Hudson           | Pratt, Ruth      | Walnwright        |
| Cochran, Pa. | Kennedy          | Rankin           | Wason             |
| Collins      | Korell           | Reed, N. Y.      | Watres            |
| Cullen       | Lankford, Va.    | Reed, N. Y.      | Watson            |
| Dallinger    | Linthicum        | Sandlin          | Welch, Calif.     |
| Darrow       | Luce             | Seger            | Whitley           |
| Dickstein    | McClintock, Ohio | Shaffer, Va.     | Wolverton, W. Va. |

ANSWERED "PRESENT"—1

Huddleston

NOT VOTING—223

|                |                  |                    |                  |
|----------------|------------------|--------------------|------------------|
| Aldrich        | Dickinson        | Jonas, N. C.       | Quayle           |
| Allen          | Dominick         | Kahn               | Quin             |
| Allgood        | Douglas, Ariz.   | Kearns             | Rainey, Henry T. |
| Andrew         | Douglass, Mass.  | Kelly              | Ransley          |
| Auf der Heide  | Doutrich         | Kemp               | Rayburn          |
| Ayres          | Doyle            | Kendall, Pa.       | Rogers           |
| Bacharach      | Drewry           | Kiefner            | Rowbottom        |
| Bacon          | Dyer             | Kiess              | Sabath           |
| Baird          | Eaton, Colo.     | Kincheloe          | Sanders, N. Y.   |
| Bankhead       | Eaton, N. J.     | Kunz               | Schafer, Wis.    |
| Beck           | Ellis            | Kurtz              | Seiberling       |
| Beedy          | Estep            | LaGuardia          | Short, Mo.       |
| Beers          | Evans, Calif.    | Lampert            | Shreve           |
| Bell           | Evans, Mont.     | Langley            | Simms            |
| Black          | Fenn             | Larsen             | Sirovich         |
| Bloom          | Finley           | Lea                | Smith, Idaho     |
| Bolton         | Fish             | Leech              | Snell            |
| Box            | Fisher           | Lehlbach           | Somers, N. Y.    |
| Boylan         | Fitzgerald       | Letts              | Sproul, Ill.     |
| Brand, Ohio    | Fort             | Lindsay            | Stalker          |
| Brigham        | Frear            | McClintock, Okla.  | Stedman          |
| Britten        | Free             | McCormick, Ill.    | Stevenson        |
| Brumm          | Freeman          | McDuffie           | Stobbs           |
| Brunner        | Fuller           | McFadden           | Stone            |
| Buchanan       | Gambrill         | McLaughlin         | Strong, Pa.      |
| Burdick        | Garber, Okla.    | McLeod             | Sullivan, N. Y.  |
| Busby          | Garner           | McKeynolds         | Sullivan, Pa.    |
| Byrns          | Garrett          | Magrady            | Swick            |
| Cable          | Gasque           | Mansfield          | Taber            |
| Campbell, Pa.  | Gavagan          | Mead               | Taylor, Colo.    |
| Canfield       | Gifford          | Menges             | Thatcher         |
| Carley         | Golder           | Merritt            | Timberlake       |
| Carter, Calif. | Graham           | Montague           | Treadway         |
| Cartwright     | Greenwood        | Mooney             | Tucker           |
| Chase          | Gregory          | Moore, Ohio        | Turpin           |
| Chindblom      | Griffin          | Moore, Va.         | Underhill        |
| Clague         | Hadley           | Mouser             | Underwood        |
| Clark, Md.     | Hale             | Murphy             | Vestal           |
| Clarke, N. Y.  | Hancock          | Nelson, Wis.       | Vincent, Mich.   |
| Connery        | Hardy            | Newhall            | Vinson, Ga.      |
| Connolly       | Hartley          | Niedringhaus       | Walker           |
| Cooke          | Hess             | Norton             | Welsh, Pa.       |
| Cooper, Ohio   | Hoffman          | O'Connell          | White            |
| Corning        | Houston, Del.    | O'Connor, Okla.    | Wigglesworth     |
| Cox            | Hudspeth         | Owen               | Williams         |
| Coyle          | Hull, Morton D.  | Palmisano          | Wilson           |
| Crail          | Hull, William E. | Parker             | Wolfenden        |
| Cramton        | Hull, Tenn.      | Parks              | Wood             |
| Crosser        | Igoe             | Patterson          | Woodruff         |
| Crowther       | James            | Peavey             | Woodrum          |
| Curry          | Jenkins          | Perkins            | Wurzbach         |
| Davenport      | Johnson, Ill.    | Porter             | Wyant            |
| Dempsey        | Johnson, Ind.    | Pou                | Yates            |
| Denison        | Johnson, S. Dak. | Pratt, Harcourt J. | Yon              |
| De Priest      | Johnson, Wash.   | Pritchard          | Zihlman          |
| DeKouen        | Johnston, Mo.    | Purnell            |                  |

So a call of the House was ordered.

The Clerk announced the following pairs:  
Until further notice:

Mr. Snell with Mr. Pou.  
Mr. Carter of California with Mr. Bell.  
Mr. Harcourt J. Pratt with Mr. Gavagan.  
Mr. Niedringhaus with Mr. Rayburn.  
Mr. Golder with Mr. Brunner.  
Mr. Cramton with Mr. Hull of Tennessee.  
Mr. Connolly with Mr. Somers of New York.  
Mr. Fort with Mr. Byrns.  
Mr. Chindblom with Mr. Kincheloe.  
Mr. Fenn with Mr. Stevenson.  
Mr. Kiess with Mr. Carley.  
Mr. Purnell with Mr. Larsen.  
Mr. Murphy with Mr. Quayle.  
Mr. Bacharach with Mr. Ayres.  
Mr. Denison with Mr. Garner.  
Mr. Johnson of South Dakota with Mr. Griffin.  
Mr. Brigham with Mr. Tucker.  
Mr. Kiefner with Mr. Corning.  
Mr. Frear with Mr. Lindsay.  
Mr. Letts with Mr. Wilson.  
Mr. Crail with Mr. Crosser.  
Mr. Lehlbach with Mr. Mead.  
Mr. Crowther with Mr. Moore of Virginia.  
Mr. McFadden with Mr. Vinson of Georgia.  
Mr. Kendall of Pennsylvania with Mrs. Owen.  
Mr. McLaughlin with Mr. Dominick.  
Mr. Kearns with Mr. Drewry.  
Mr. Johnston of Missouri with Mr. Henry T. Rainey.  
Mr. Shreve with Mr. Bankhead.  
Mrs. Rogers with Mr. Garrett.  
Mr. Swick with Mr. Parks.  
Mr. Thatcher with Mr. Black.  
Mr. Yates with Mr. Greenwood.  
Mr. Short of Missouri with Mr. Quin.  
Mr. Welsh of Pennsylvania with Mr. Buchanan.  
Mr. Treadway with Mr. Patterson.  
Mr. Porter with Mr. Box.  
Mr. Wood with Mr. Canfield.  
Mr. Clague with Mr. Taylor of Colorado.  
Mr. Lampert with Mr. Mansfield.  
Mr. Britten with Mr. Douglass of Massachusetts.  
Mr. Dyer with Mr. Fisher.  
Mr. Beedy with Mr. Woodrum.  
Mr. Jenkins with Mr. Boylan.  
Mr. Dickinson with Mr. Cox.  
Mr. Evans of California with Mr. Palmisano.  
Mr. Free with Mr. Allgood.  
Mr. Graham with Mr. Fuller.  
Mr. McLeod with Mr. Bloom.  
Mr. Moore of Ohio with Mr. Gasque.  
Mr. Sproul of Illinois with Mr. Gambrill.

Mr. Ransley with Mr. Busby.  
 Mr. Perkins with Mr. Kemp.  
 Mr. Vestal with Mr. Auf der Heide.  
 Mr. Timberlake with Mr. Lea.  
 Mr. Eaton of New Jersey with Mr. McDuffie.  
 Mr. Bacon with Mr. Evans of Montana.  
 Mr. Chalmers with Mr. Montague.  
 Mr. Doutrich with Mr. Yon.  
 Mr. Finley with Mr. Underwood.  
 Mr. Beck with Mr. McReynolds.  
 Mr. Ellis with Mr. O'Connell.  
 Mr. Beers with Mr. Igoe.  
 Mr. Hartley with Mr. Sabath.  
 Mr. Burdick with Mr. Sullivan of New York.  
 Mr. Menges with Mr. Kunz.  
 Mrs. McCormick of Illinois with Mr. McClintic of Oklahoma.  
 Mr. Johnson of Indiana with Mr. Mooney.  
 Mr. Campbell of Pennsylvania with Mrs. Norton.  
 Mr. Taber with Mr. Williams.  
 Mr. LaGuardia with Mr. Hudspeth.  
 Mr. Smith of Idaho with Mr. Sirovich.  
 Mr. Cooper of Ohio with Mr. Stedman.  
 Mr. Kurtz with Mr. Cartwright.  
 Mr. Johnson of Washington with Mr. Douglas of Arizona.  
 Mr. Strong of Pennsylvania with Mr. Connery.  
 Mr. Vincent of Michigan with Mr. DeRouen.  
 Mr. Dempsey with Mr. Doyle.

The result of the vote was announced as above recorded.

Mr. WOOD. Mr. Speaker, I move that the House do now adjourn.

Mr. STAFFORD. Mr. Speaker, I ask for the yeas and nays.

Mr. MAPES. Mr. Speaker, I make a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MAPES. Is it not the rule that one motion to adjourn having been voted down since the absence of a quorum was developed that the motion must now be seconded by a majority of those present before it can be put again?

The SPEAKER pro tempore. The Chair is unable to understand the gentleman's point of order.

Mr. MAPES. A motion to adjourn has been voted upon recently and lost; no quorum has developed since that vote was taken. Does not the rule provide that in a situation of that kind a majority of those present must second the motion before it is in order to vote upon it again before a quorum is developed?

Mr. STAFFORD. Mr. Speaker, I know of no such rule and I do not think the gentleman can cite the Chair to any such rule.

The SPEAKER pro tempore. The Chair does not have in mind any such rule as the gentleman refers to as applicable here. Possibly the gentleman has in mind the provision with regard to an automatic roll call.

Mr. MAPES. No; I think not.

Mr. STAFFORD. The gentleman is consuming time. [Laughter.]

The SPEAKER. The Chair will hear the gentleman from Michigan [Mr. MAPES].

Mr. MAPES. I have not the rule before me, but I feel positive that it is in the Manual.

The SPEAKER pro tempore. Is it the gentleman's position that a motion to adjourn is not now in order?

Mr. MAPES. No, Mr. Speaker. This is my point of order. After the absence of a quorum is developed and a motion has once been made to adjourn and voted down, then another motion to adjourn is not in order unless it is seconded by a majority of those present.

Mr. STAFFORD. Mr. Speaker, I make the point of order the gentleman is too late with his point of order. The gentleman did not make the point of order at the time the motion was made.

The SPEAKER pro tempore. If the gentleman makes the point of order that a motion to adjourn is not in order immediately following an order for a call of the House unless seconded by a majority of those actually present, the Chair will entertain that point.

Mr. MAPES. Then I make that point of order.

Mr. STAFFORD. Mr. Speaker, I make the point of order that the gentleman's point comes too late, because the House was in the midst of dividing, and there can not be a point of order to this effect.

The SPEAKER pro tempore. The Chair will hear the gentleman from Michigan.

Mr. MAPES. The theory of the rule, as I understand it, is that a minority can not delay the proceedings by demanding a roll call on a motion to adjourn time after time in the process of the development of a quorum. This motion has once been made and a roll call has been had on it, and since that time no quorum has developed. I feel positive the rule provides that before another motion to adjourn can be voted upon it must be seconded by a majority of those present.

Mr. KORELL. Will the gentleman yield?

Mr. MAPES. Yes.

Mr. KORELL. How are you going to determine whether a majority is asking for the motion without a vote?

Mr. MAPES. That is for the Chair to determine by actual count.

Mr. O'CONNOR of New York. May I suggest that the question of a quorum is covered by section 5 of Article I of the Constitution and not by the rules?

The SPEAKER pro tempore. It is necessary to have a quorum. The only question is, after a call of the House has been ordered, is it then in order to move to adjourn? The Chair will hold that it is not in order at this time unless it is ordered by a majority of those present.

Mr. QUIN. I thought the House could adjourn at any time.

The SPEAKER pro tempore. The House has already ordered a call of the House. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 40]

|               |                  |                    |                  |
|---------------|------------------|--------------------|------------------|
| Aldrich       | Dominick         | Kearns             | Quayle           |
| Allen         | Douglas, Ariz.   | Kelly              | Rainey, Henry T. |
| Allgood       | Douglass, Mass.  | Kemp               | Ransley          |
| Andrew        | Doutrich         | Kendall, Pa.       | Rayburn          |
| Auf der Heide | Doyle            | Kerr               | Reed, N. Y.      |
| Bacharach     | Drewry           | Kiefner            | Rogers           |
| Bacon         | Dyer             | Kless              | Rowbottom        |
| Baird         | Ellis            | Kincheloe          | Sabath           |
| Bankhead      | Estep            | Kunz               | Sanders, N. Y.   |
| Beck          | Evans, Calif.    | Kurtz              | Seiberling       |
| Beedy         | Evans, Mont.     | LaGuardia          | Short, Mo.       |
| Beers         | Fenn             | Lampert            | Shreve           |
| Bell          | Finley           | Langley            | Simms            |
| Black         | Fish             | Larsen             | Sirovich         |
| Bloom         | Fitzgerald       | Leech              | Smith, Idaho     |
| Bolton        | Fort             | Lehibach           | Snell            |
| Box           | Frear            | Lindsay            | Somers, N. Y.    |
| Boylan        | Free             | McClintic, Okla.   | Stalker          |
| Brand, Ohio   | Freeman          | McCormick, Ill.    | Stedman          |
| Brigham       | Gambrell         | McDuffie           | Stevenson        |
| Britten       | Garber, Okla.    | McFadden           | Stobbs           |
| Brumm         | Garrett          | McLeod             | Stone            |
| Brunner       | Gavagan          | McReynolds         | Strong, Pa.      |
| Buchanan      | Gifford          | Magrady            | Sullivan, N. Y.  |
| Burdick       | Graham           | Mansfield          | Sullivan, Pa.    |
| Busby         | Greenwood        | Mead               | Swick            |
| Byrns         | Gregory          | Menges             | Taber            |
| Cable         | Griffin          | Merritt            | Taylor, Colo.    |
| Campbell, Pa. | Hadley           | Michaelson         | Timberlake       |
| Canfield      | Hale             | Montague           | Turpin           |
| Carley        | Hancock          | Mooney             | Underhill        |
| Cartwright    | Hardy            | Moore, Ohio        | Underwood        |
| Chase         | Hartley          | Moore, Va.         | Vestal           |
| Chinabloom    | Hess             | Mouser             | Vincent, Mich.   |
| Clague        | Hoffman          | Murphy             | Vinson, Ga.      |
| Clark, Md.    | Houston          | Nelson, Wis.       | Walker           |
| Clarke, N. Y. | Hudspeth         | Norton             | Warren           |
| Connolly      | Hull, Morton D.  | O'Connell          | Welsh, Pa.       |
| Cooke         | Hull, William E. | O'Connor, Okla.    | White            |
| Cooper, Ohio  | Hull, Tenn.      | Oliver, Ala.       | Wigglesworth     |
| Corning       | Igoe             | Palmisano          | Williams         |
| Coyle         | James            | Parker             | Wolfenden        |
| Cramton       | Jenkins          | Parks              | Wolverton, N. J. |
| Crosser       | Johnson, Ill.    | Patterson          | Woodrum          |
| Curry         | Johnson, Ind.    | Peavey             | Wurzbach         |
| Davenport     | Johnson, S. Dak. | Perkins            | Wyant            |
| Dempsey       | Johnson, Wash.   | Porter             | Yates            |
| Denison       | Johnston, Mo.    | Pou                | Yon              |
| De Priest     | Jonas, N. C.     | Pratt, Harcourt J. | Zihlman          |
| Dickinson     | Kahn             | Pritchard          |                  |

The SPEAKER pro tempore. On this roll call 198 Members have answered to their names, not a quorum.

Mr. KETCHAM. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. KETCHAM. Would it be in order to offer a motion to recess until 10 o'clock to-morrow or, if that be not in order, until 10 o'clock on next Calendar Wednesday?

The SPEAKER pro tempore. No motion is in order except a motion to adjourn, a quorum not being present.

Mr. KORELL. Mr. Speaker, I move that we adjourn, and on that motion I ask for a division.

The SPEAKER pro tempore. The gentleman from Oregon moves that the House do now adjourn.

Mr. KORELL. Mr. Speaker, I withdraw that motion.

Mr. QUIN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. QUIN. I want to know if it is not in order to have the absentees brought in.

Mr. SCHAFFER of Wisconsin. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The gentleman from Wisconsin moves that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were 77 yeas and 61 noes.

Mr. CRISP. Mr. Speaker, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. STAFFORD and Mr. CRISP.

The House again divided; and the tellers reported that there were 73 yeas and 81 noes.

Mr. STAFFORD and Mr. QUIN demanded the yeas and nays.

The SPEAKER pro tempore. The gentleman from Wisconsin and the gentleman from Mississippi demand the yeas and nays.



All those in favor of ordering the yeas and nays will stand and be counted. [After counting.] Thirty-five Members have arisen, not a sufficient number.

So the yeas and nays were refused, and the motion to adjourn was not agreed to.

Mr. QUIN. Mr. Speaker, I move that the Speaker instruct the Sergeant at Arms to bring in the absent Members.

The SPEAKER pro tempore. The gentleman from Mississippi offers a motion, which the Clerk will report:

The Clerk read as follows:

Mr. QUIN presents the following motion:

"Ordered, That the Sergeant at Arms take into custody and bring to the bar of the House such Members as are absent without leave."

The SPEAKER pro tempore. The question is on the motion of the gentleman from Mississippi.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were 78 ayes and 55 noes.

Mr. STAFFORD. Mr. Speaker, I demand the yeas and nays.

The SPEAKER pro tempore. The gentleman from Wisconsin demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 122, nays 74, answered "present" 4, not voting 227, as follows:

[Roll No. 41]

YEAS—122

|                |                |                 |                |
|----------------|----------------|-----------------|----------------|
| Abernethy      | Eslick         | Kading          | Ramseyer       |
| Adkins         | Fisher         | Kendall, Ky.    | Ramspeck       |
| Almon          | Fulmer         | Ketcham         | Rankin         |
| Andresen       | Garber, Va.    | Knutson         | Reid, Ill.     |
| Arnold         | Goodwin        | Kopp            | Robinson       |
| Bachmann       | Green          | Kvale           | Romjue         |
| Bland          | Guyer          | Lambertson      | Sanders, Tex.  |
| Brand, Ga.     | Hall, Ill.     | Lanham          | Sandlin        |
| Briggs         | Hall, Miss.    | Lankford, Ga.   | Schneider      |
| Browne         | Hall, N. Dak.  | Lea             | Sears          |
| Browning       | Halsey         | Leavitt         | Selvig         |
| Burtess        | Hammer         | Lozier          | Shaffer, Va.   |
| Campbell, Iowa | Hare           | Ludlow          | Shott, W. Va.  |
| Cannon         | Hastings       | McKeown         | Simmons        |
| Christgau      | Haugen         | McMillan        | Sinclair       |
| Clark, N. C.   | Hawley         | McSwain         | Sloan          |
| Collier        | Hill, Ala.     | Maas            | Smith, W. Va.  |
| Colton         | Hill, Wash.    | Manlove         | Snow           |
| Cooper, Tenn.  | Hoch           | Michener        | Sparks         |
| Cooper, Wis.   | Hogg           | Milligan        | Strong, Kans.  |
| Craddock       | Holiday        | Montet          | Summers, Wash. |
| Crisp          | Hope           | Moore, Ky.      | Summers, Tex.  |
| Cross          | Hopkins        | Nelson, Mo.     | Swanson        |
| Culkin         | Howard         | Newhall         | Swing          |
| Davis          | Hull, Wis.     | Nolan           | Tarver         |
| DeRouen        | Irwin          | Oldfield        | Thurston       |
| Dowell         | Jeffers        | Palmer          | Whitehead      |
| Doxey          | Johnson, Nebr. | Pittenger       | Whittington    |
| Dunbar         | Johnson, Okla. | Quin            | Wright         |
| Edwards        | Johnson, Tex.  | Ragon           |                |
| Englebright    | Jones, Tex.    | Ramey, Frank M. |                |

NAYS—74

|                |               |                  |                   |
|----------------|---------------|------------------|-------------------|
| Ackerman       | Eaton, Colo.  | Luce             | Stafford          |
| Arentz         | Elliott       | McClintock, Ohio | Stegall           |
| Aswell         | Esterly       | McCormack, Mass. | Taylor, Tenn.     |
| Blackburn      | Fitzpatrick   | McLaughlin       | Temple            |
| Bohn           | Foss          | Mapes            | Thatcher          |
| Bowman         | French        | Martin           | Thompson          |
| Butler         | Garner        | Miller           | Tilson            |
| Carter, Wyo.   | Gibson        | Morehead         | Tinkham           |
| Celler         | Glover        | Morgan           | Wainwright        |
| Chalmers       | Granfield     | Nelson, Me.      | Wason             |
| Christopherson | Hall, Ind.    | Oliver, N. Y.    | Watres            |
| Clancy         | Hickey        | Patman           | Watson            |
| Cochran, Mo.   | Hooper        | Pratt, Ruth      | Welch, Calif.     |
| Cochran, Pa.   | Huddleston    | Reece            | Wingo             |
| Cole           | Hudson        | Schafer, Wis.    | Wolverton, W. Va. |
| Cullen         | Kinzer        | Seger            | Wood              |
| Dallinger      | Korell        | Speaks           | Woodruff          |
| Darrow         | Lankford, Va. | Spearing         |                   |
| Dickstein      | Linticum      | Sproul, Ill.     |                   |

ANSWERED "PRESENT"—4

|         |         |               |               |
|---------|---------|---------------|---------------|
| Barbour | Buckbee | O'Connor, La. | Sproul, Kans. |
|---------|---------|---------------|---------------|

NOT VOTING—227

|               |                |                 |               |
|---------------|----------------|-----------------|---------------|
| Aldrich       | Buchanan       | Cramton         | Fenn          |
| Allen         | Burdick        | Crosser         | Finley        |
| Allgood       | Busby          | Crowther        | Fish          |
| Andrew        | Byrns          | Curry           | Fitzgerald    |
| Auf der Heide | Cable          | Davenport       | Fort          |
| Ayres         | Campbell, Pa.  | Dempsey         | Frear         |
| Bacharach     | Canfield       | Denison         | Free          |
| Bacon         | Carley         | De Priest       | Freeman       |
| Baird         | Carter, Calif. | Dickinson       | Fuller        |
| Bankhead      | Cartwright     | Dominick        | Gambrell      |
| Beck          | Chase          | Doughton        | Garber, Okla. |
| Beedy         | Chindblom      | Douglas, Ariz.  | Garrett       |
| Beers         | Clague         | Douglass, Mass. | Gasque        |
| Bell          | Clark, Md.     | Doutrich        | Gavagan       |
| Black         | Clarke, N. Y.  | Doyle           | Gifford       |
| Bloom         | Collins        | Drane           | Golder        |
| Bolton        | Connerly       | Drewry          | Goldsbrough   |
| Box           | Connolly       | Driver          | Graham        |
| Boylan        | Cooke          | Dyer            | Greenwood     |
| Brand, Ohio   | Cooper, Ohio   | Eaton, N. J.    | Gregory       |
| Brigham       | Corning        | Ellis           | Griffin       |
| Britten       | Cox            | Estep           | Hadley        |
| Brumm         | Coyle          | Evans, Calif.   | Hale          |
| Brunner       | Crall          | Evans, Mont.    | Hancock       |

|                  |                  |                    |                  |
|------------------|------------------|--------------------|------------------|
| Hardy            | Larsen           | Parks              | Strong, Pa.      |
| Hartley          | Leech            | Patterson          | Sullivan, N. Y.  |
| Hess             | Lehlbach         | Peavey             | Sullivan, Pa.    |
| Hoffman          | Letts            | Perkins            | Swick            |
| Houston, Del.    | Lindsay          | Porter             | Taber            |
| Hudspeth         | McClintic, Okla. | Pou                | Taylor, Colo.    |
| Hull, Morton D.  | McCormick, Ill.  | Pratt              | Timberlake       |
| Hull, William E. | McDuffie         | Pratt, Harcourt J. | Trudway          |
| Hull, Tenn.      | McFadden         | Pritchard          | Tucker           |
| Igoe             | McLeod           | Purnell            | Turpin           |
| James            | McReynolds       | Quayle             | Underhill        |
| Jenkins          | Magrady          | Rainey, Henry T.   | Underwood        |
| Johnson, Ill.    | Mansfield        | Ransley            | Vestal           |
| Johnson, Ind.    | Mead             | Rayburn            | Vincent, Mich.   |
| Johnson, S. Dak. | Menges           | Reed, N. Y.        | Vinson, Ga.      |
| Johnson, Wash.   | Merritt          | Rogers             | Walker           |
| Johnston, Mo.    | Michaelson       | Rowbottom          | Warren           |
| Jonas, N. C.     | Montague         | Rutherford         | Welsh, Pa.       |
| Kahn             | Mooney           | Sabath             | White            |
| Kearns           | Moore, Ohio      | Sanders, N. Y.     | Whitley          |
| Kelly            | Moore, Va.       | Selberling         | Wigglesworth     |
| Kemp             | Mouser           | Short, Mo.         | Williams         |
| Kendall, Pa.     | Murphy           | Shreve             | Williamson       |
| Kennedy          | Nelson, Wis.     | Simms              | Wilson           |
| Kerr             | Niedringhaus     | Sirovich           | Wolfenden        |
| Kieffner         | Norton           | Smith, Idaho       | Wolverton, N. J. |
| Kiess            | O'Connell        | Snell              | Woodrum          |
| Kincheloe        | O'Connor, Okla.  | Somers, N. Y.      | Wurzback         |
| Kunz             | O'Connor, N. Y.  | Stalker            | Wyant            |
| Kurtz            | Oliver, Ala.     | Stedman            | Yates            |
| LaGuardia        | Owen             | Stevenson          | Yon              |
| Lampert          | Palmisano        | Stobbs             | Zihlman          |
| Langley          | Parker           | Stone              |                  |

So the motion was agreed to.

The Clerk announced the following additional pairs:

Mr. Aldridge with Mr. Doughton.  
Mr. Allen with Mr. Drane.  
Mr. Andrew with Mr. Driver.  
Mr. Baird with Mr. Goldsborough.  
Mr. Bolton with Mr. Gregory.  
Mr. Cable with Mr. Kennedy.  
Mr. Clarke of New York with Mr. Kerr.  
Mr. Cooke with Mr. Lindsay.  
Mr. Curry with Mr. O'Connor of New York.  
Mr. Davenport with Mr. Oliver of Alabama.  
Mr. Fish with Mr. Prall.  
Mr. Fitzgerald with Mr. Rutherford.  
Mrs. Langley with Mr. Warren.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The Chair announces the fact that he has signed the warrants to arrest the absent Members.

Mr. CRISP. Mr. Speaker, is a quorum present?

The SPEAKER pro tempore. Counting those who responded to their names on the call of the House, and those who voluntarily came in during the roll call on the motion to arrest absent Members, and those who have since come in, there should be 222 present, a quorum.

Mr. CRISP. Then, Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Georgia to dispense with further proceedings under the call.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were—ayes 83, noes 22.

Mr. STAFFORD. Mr. Speaker, I object to the vote because there is no quorum present, and make the point of order that there is no quorum present.

Mr. CRISP. Mr. Speaker, I make the point of order that that action is dilatory. The Chair has been here all evening and is cognizant of what has taken place in the House. Just a moment ago under a call of the House a quorum was present, and based on the fact that a quorum is present, the House has voted to dispense with further proceedings. I think the Chair justified in holding the point of the gentleman from Wisconsin dilatory.

The SPEAKER pro tempore. The Chair thinks the gentleman from Georgia hardly accurate in his statement. The first call of the House was taken fully an hour ago. Then a motion to bring in absent Members was made, and in order to make a quorum the Chair counted all those who answered on the call of the House, on the call of the roll, and additional Members who answered on the call later to bring in absent Members, and those who have come in voluntarily. An hour has surely elapsed since the first roll call.

Mr. CRISP. Mr. Speaker, before the Chair announces his decision, may I direct his attention to the fact that when a call of the House is ordered the doors are supposed to be closed. The Sergeant at Arms has been directed to go out and bring in absentees.

The Speaker, ascertaining whether a sufficient number rises for the yeas and nays, presumes that a quorum is present here. We have just gone through one parliamentary procedure to get a quorum here. A warrant has been issued to bring in absentees, and, counting those who answered "present" and those who have come in, the Speaker, answering my parliamentary inquiry, said that 222 Members were present, a quorum. Therefore, based on that, the motion was made to dispense with further proceedings, and that motion carried, and a point

of order is made that there is no quorum present. In view of what has transpired, it seems to me that the Chair must be cognizant that the point of order is dilatory, and the Speaker is aware that that rule was invoked when Mr. Speaker Reed was Speaker to break up a filibuster.

Mr. STAFFORD. Mr. Speaker, if the gentleman will glance over the Chamber, from his long experience here he will know that there is no quorum present, and he knows, further, that the doors have not been closed.

The SPEAKER pro tempore. The Chair has not announced that there is not a quorum present.

Mr. MICHENER. Mr. Speaker, under the order of the House and the rules, are the doors presumably closed or open?

The SPEAKER pro tempore. They are supposed to be closed, but the Chair fully recognizes the fact that this is a fiction and not a fact.

Mr. MICHENER. Then, as a matter of fact, if the doors are closed and the Members are brought in and they answer the roll, is not the Chair at least justified in assuming that the rules have been complied with, and that there is a quorum present within the confines of the room which does not mean the confines of the Chamber but in the anterooms as well?

The SPEAKER pro tempore. The record, as it now stands, shows that there are 222 Members present.

Mr. MICHENER. Mr. Speaker, can the Chair find that anything else is in order until the doors have been opened?

The SPEAKER pro tempore. No.

Mr. MICHENER. The proceeding now before the House is to open the doors.

The SPEAKER pro tempore. It does not require a quorum to dispense with further proceedings under the call.

Mr. MICHENER. My question was, whether, under the proceedings of the House, where absentees are ordered to be arrested and brought in, where the doors are closed, where the roll is called, and where the absentees are brought in one at a time and brought before the bar of the House to answer to their names, and immediately the Speaker announces that a quorum is present, and the next thing to do is to move to dispense with further proceedings under the call, the doors can not be opened until that motion is agreed to.

The SPEAKER pro tempore. The gentleman is correct in his statement. The Chair takes no issue with him.

Mr. STAFFORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. STAFFORD. I make the point of order that on that vote last taken there was not a quorum present. I believe the Chair has not announced his decision.

The SPEAKER pro tempore. Of course, there was no quorum present at the outset, but the record shows that eventually there were 222 Members present.

Mr. STAFFORD. Mr. Speaker, I move that the House do now adjourn.

Mr. KETCHAM. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The SPEAKER pro tempore. Under the rule applicable in this case further proceedings under the call of the House are dispensed with, and the doorkeeper will open the doors; and the gentleman from Wisconsin moves that the House do now adjourn.

Mr. WOODRUFF. I make the point of order, Mr. Speaker, that the motion of the gentleman from Wisconsin is dilatory.

The SPEAKER pro tempore. The gentleman from Wisconsin has the right to make the motion to adjourn.

Mr. GREEN. Mr. Speaker, the gentleman from Michigan [Mr. KETCHAM] has been for some time on his feet, and as I understand it, he ought to be recognized before a Member who is not a member of the committee in charge of the legislation that is now pending.

The SPEAKER pro tempore. Of course, all Members have an equal right to make motions, but some motions are of higher privilege than others, and the gentleman from Wisconsin has made a motion of the highest privilege.

Mr. CRISP. Mr. Speaker, I make a point of order, carrying out the suggestion of the Speaker, the point of order being that a motion not seconded by a majority of the House is not in order.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. STAFFORD] moves that the House do now adjourn. Those in favor of the motion of the gentleman from Wisconsin will rise and stand until they are counted. [After counting.] Those opposed will rise. [After counting.] On this vote the ayes are 46 and the noes are 83. The noes have it, and the House refuses to adjourn. The gentleman from Michigan [Mr. KETCHAM] moves the previous question on the bill and all amendments thereto to final passage. The question is on agreeing to that motion.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. STAFFORD. Mr. Speaker, I demand a division.

The SPEAKER pro tempore. The gentleman from Wisconsin demands a division.

The House divided; and there were—ayes 90, noes 45.

Mr. STAFFORD. Mr. Speaker, I demand the yeas and nays.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I object to the vote on the ground that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. SCHAFER] objects to the vote on the ground that there is no quorum present. The Chair will count. [After counting.] One hundred and sixty Members are present—not a quorum. The Clerk will call the roll and the Doorkeeper will close the doors. All those in favor of ordering the previous question will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 156, nays 66, not voting 205, as follows:

[Roll No. 42]

YEAS—156

|                |                |                  |                  |
|----------------|----------------|------------------|------------------|
| Abernethy      | Englebright    | Kading           | Ragon            |
| Addins         | Eslick         | Kearns           | Rainey, Henry T. |
| Almon          | Fisher         | Kendall, Ky.     | Ramey, Frank M.  |
| Andresen       | Frear          | Ketcham          | Ramsayer         |
| Arnold         | Fuller         | Kinzer           | Ramspeck         |
| Aswell         | Fulmer         | Kopp             | Rankin           |
| Ayres          | Garber, Va.    | Kvale            | Reid, Ill.       |
| Bland          | Gasque         | Lambertson       | Robinson         |
| Bohn           | Glover         | Lampert          | Romjue           |
| Brand, Ga.     | Goodwin        | Lanham           | Sanders, Tex.    |
| Briggs         | Green          | Lankford, Ga.    | Sandlin          |
| Brown          | Greenwood      | Lea              | Schneider        |
| Browning       | Guyer          | Leavitt          | Selvig           |
| Buckbee        | Hall, Ill.     | Letts            | Shaffer, Va.     |
| Burtress       | Hall, Miss.    | Lozier           | Simmons          |
| Campbell, Iowa | Hall, N. Dak.  | McClintock, Ohio | Sinclair         |
| Cannon         | Halsey         | McKeown          | Sloan            |
| Cartwright     | Hammer         | McLaughlin       | Snow             |
| Christgau      | Hare           | McMillan         | Sparks           |
| Christopherson | Hastings       | McSwain          | Speaks           |
| Clark, N. C.   | Haugen         | Maas             | Spearing         |
| Cole           | Hawley         | Manlove          | Sproul, Kans.    |
| Collier        | Hill, Ala.     | Mapes            | Strong, Kans.    |
| Colton         | Hill, Wash.    | Mitchener        | Summers, Wash.   |
| Cooper, Tenn.  | Hoch           | Milligan         | Summers, Tex.    |
| Cooper, Wis.   | Hogg           | Montet           | Swanson          |
| Cox            | Holaday        | Moore, Ky.       | Swing            |
| Craddock       | Hooper         | Morehead         | Tarver           |
| Crisp          | Hope           | Nelson, Mo.      | Thompson         |
| Cross          | Hopkins        | Newhall          | Thurston         |
| Crowther       | Howard         | Nolan            | Tilson           |
| Culkin         | Huddleston     | O'Connor, La.    | Vestal           |
| Davis          | Hull, Wis.     | Oldfield         | Welch, Calif.    |
| DeRouen        | Irwin          | Owen             | Whitehead        |
| Dowell         | Jeffers        | Palmer           | Whittington      |
| Doxey          | Johnson, Nebr. | Patman           | Williamson       |
| Drane          | Johnson, Okla. | Pittenger        | Wilson           |
| Driver         | Johnson, Tex.  | Purnell          | Woodruff         |
| Edwards        | Jones, Tex.    | Quin             | Wright           |

NAYS—66

|              |               |                  |                   |
|--------------|---------------|------------------|-------------------|
| Ackerman     | Dallinger     | Korell           | Shott, W. Va.     |
| Arentz       | Darrow        | Lankford, Va.    | Smith, Idaho      |
| Bachmann     | Dickstein     | Lindsay          | Smith, W. Va.     |
| Barbour      | Doutrich      | Linthicum        | Sproul, Ill.      |
| Blackburn    | Dunbar        | Luce             | Stafford          |
| Bowman       | Eaton, Colo.  | Ludlow           | Taylor, Tenn.     |
| Butler       | Elliott       | McCormack, Mass. | Thatcher          |
| Carter, Wyo. | Esterly       | Martin           | Tinkham           |
| Celler       | Evans, Calif. | Miller           | Treadway          |
| Chalmers     | Fitzpatrick   | Nelson, Me.      | Wainwright        |
| Clancy       | Foss          | Niedringhaus     | Wason             |
| Cochran, Mo. | French        | Oliver, N. Y.    | Watres            |
| Cochran, Pa. | Gibson        | Pratt, Ruth      | Watson            |
| Collins      | Granfield     | Reece            | Wingo             |
| Connery      | Hall, Ind.    | Reed, N. Y.      | Wolverton, W. Va. |
| Crall        | Hickey        | Schafer, Wis.    |                   |
| Cullen       | Hudson        | Seger            |                   |

NOT VOTING—205

|               |                |               |                  |
|---------------|----------------|---------------|------------------|
| Aldrich       | Cable          | Doyle         | Hancock          |
| Allen         | Campbell, Pa.  | Drewry        | Hardy            |
| Allgood       | Canfield       | Dyer          | Hartley          |
| Andrew        | Carley         | Eaton, N. J.  | Hess             |
| Auf der Heide | Carter, Calif. | Ellis         | Hoffman          |
| Bacharach     | Chase          | Estep         | Houston, Del.    |
| Bacon         | Chindblom      | Evans, Mont.  | Hudspeth         |
| Baird         | Clague         | Fenn          | Hull, Tenn.      |
| Bankhead      | Clark, Md.     | Finley        | Hull, Morton D.  |
| Beck          | Clarke, N. Y.  | Fish          | Hull, William E. |
| Beedy         | Connolly       | Fitzgerald    | Igoe             |
| Beers         | Cooke          | Fort          | James            |
| Bell          | Cooper, Ohio   | Free          | Jenkins          |
| Black         | Corning        | Freeman       | Johnson, Ill.    |
| Bloom         | Coyle          | Gambrell      | Johnson, Ind.    |
| Bolton        | Cramton        | Garber, Okla. | Johnson, S. Dak. |
| Box           | Crosser        | Garner        | Johnson, Wash.   |
| Boylan        | Curry          | Garrett       | Johnston, Mo.    |
| Brand, Ohio   | Davenport      | Gavagan       | Jonas, N. C.     |
| Brigham       | Dempsey        | Gifford       | Kahn             |
| Britten       | Denison        | Golder        | Kelly            |
| Brumm         | De Priest      | Goldsborough  | Kemp             |
| Brunner       | Dickinson      | Graham        | Kendall, Pa.     |
| Buchanan      | Dominick       | Gregory       | Kennedy          |
| Burdick       | Doughton       | Griffin       | Kerr             |
| Busby         | Douglas, Ariz. | Hadley        | Kiefner          |
| Byrns         | Douglas, Mass. | Hale          | Kiess            |



|                  |                    |                 |                  |
|------------------|--------------------|-----------------|------------------|
| Kincheloe        | Morgan             | Rutherford      | Tucker           |
| Knutson          | Mouser             | Sabath          | Turpin           |
| Kunz             | Murphy             | Sanders, N. Y.  | Underhill        |
| Kurtz            | Nelson, Wis.       | Sears           | Underwood        |
| LaGuardia        | Norton             | Seiberling      | Vincent, Mich.   |
| Langley          | O'Connell          | Short, Mo.      | Vinson, Ga.      |
| Larsen           | O'Connor, N. Y.    | Shreve          | Walker           |
| Leech            | O'Connor, Okla.    | Simms           | Warren           |
| Lehlbach         | Oliver, Ala.       | Sirovich        | Welch, Pa.       |
| McClintic, Okla. | Palmisano          | Snell           | White            |
| McCormick, Ill.  | Parker             | Somers, N. Y.   | Whitley          |
| McDuffie         | Parks              | Stalker         | Wigglesworth     |
| McFadden         | Patterson          | Steagall        | Williams         |
| McLeod           | Peavey             | Stedman         | Wolfenden        |
| McReynolds       | Perkins            | Stevenson       | Wolverton, N. J. |
| Magrady          | Porter             | Stobbs          | Wood             |
| Mansfield        | Pou                | Stone           | Woodrum          |
| Mead             | Prall              | Strong, Pa.     | Wurzbach         |
| Menges           | Pratt, Harcourt J. | Sullivan, N. Y. | Wyant            |
| Merritt          | Pritchard          | Sullivan, Pa.   | Yates            |
| Michaelson       | Quayle             | Swick           | Yon              |
| Montague         | Ransley            | Taber           | Zihlman          |
| Mooney           | Rayburn            | Taylor, Colo.   |                  |
| Moore, Ohio      | Rogers             | Temple          |                  |
| Moore, Va.       | Rowbottom          | Timberlake      |                  |

So the previous question was ordered.

The Clerk announced the following additional pair:

Mr. Temple with Mr. Steagall.

The result of the vote was announced as above recorded.

Mr. CRISP. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CRISP. Mr. Speaker, the previous question having been ordered on the bill and amendments to final passage, if the House adjourns now, ordinarily would not the matter come up the next day, and to-morrow being set apart under special order for memorial exercises, if the House adjourns now, will not this matter, the previous question having been ordered, come up after the reading of the Journal on Friday?

The SPEAKER. On Friday, to-morrow not being a legislative day.

The question is on agreeing to the amendment.

Mr. STAFFORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. To what amendment does the Speaker refer?

The SPEAKER. The amendment as referred from the Committee of the Whole, upon which the previous question has been ordered.

Mr. STAFFORD. Mr. Speaker, may the amendment be reported again?

The SPEAKER. Without objection, the Clerk will again report the amendment.

There was no objection.

The Clerk read as follows:

Page 5, line 20, strike out the words "regardless of their citizenship" and insert in lieu thereof "American citizens."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were—ayes 140, noes 60.

So the amendment was agreed to.

Mr. LETTS. Mr. Speaker, I would like to announce that my colleague the gentleman from Iowa [Mr. DICKINSON] was not here when the vote was taken to order the previous question on the passage of the bill. If the gentleman had been present he would have voted "aye."

Mr. STAFFORD. Mr. Speaker, I move that the House do now adjourn.

Mr. KETCHAM rose.

The SPEAKER. Does the gentleman from Wisconsin [Mr. STAFFORD] temporarily withhold his motion?

Mr. STAFFORD. I withhold it.

#### TO PROMOTE AGRICULTURE

Mr. KETCHAM. Mr. Speaker, I ask permission on behalf of my colleague the gentleman from Vermont [Mr. BRIGHAM] to extend his remarks in the RECORD on the present bill.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BRIGHAM. Mr. Speaker, I am in favor of a foreign service in the Department of Agriculture because I believe that the interests of American agriculture will be served by having men in the foreign field who are conversant with the economic problems relating to agriculture. Take, for instance, the wheat problem. The United States has been one of the principal wheat-exporting nations of the world. If we study the international wheat trade we find that the principal importing countries have not greatly increased their importations of wheat since the pre-war period. When, however, we consider the contribution of the leading exporting nations who are competing with one another for the world's wheat trade we find that the Dominion of Canada

has increased its exports from less than 100,000,000 bushels in pre-war days to from 300,000,000 to 400,000,000 bushels in the last few years. The Argentine and Australia have also materially increased their exports.

Since the war Russia has not been a contributor to the world's wheat trade, but we are told that it is the program of the Soviet Government to increase the Russian production of wheat so that 160,000,000 bushels annually will be available for export.

In a foreign service devoted to American agriculture we need men who can not only gather statistics regarding prices and production but who are competent to study the trend of production and consumption so that information will be available to the Federal Farm Board and to the Department of Agriculture and to our farmers generally, so that they can intelligently adjust their production program to the probable demands and the probable prices which may be expected in the export wheat trade of the world.

You are all familiar with the Canadian wheat pool which handles more than 50 per cent of the wheat produced in the western Provinces of the Dominion of Canada. One of the most brilliant witnesses appearing before the Committee on Agriculture of the House last April, when the Haugen farm relief bill was under discussion, was Mr. A. J. MacPhail, president of the Canadian Cooperative Wheat Producers. Mr. MacPhail in his testimony had this to say about the foreign service maintained by his organization:

We have a very extensive organization. We have a man in Argentina the year around for the specific purpose of keeping us informed with regard to the conditions in Argentina. We have had a man down in the States here last month, traveling throughout the winter-wheat area, and around, to keep us informed with regard to conditions here. We keep ourselves informed through large farm organizations in Australia continually. They keep us informed continually by cable regarding the conditions there.

Our agents are everywhere throughout European countries, keeping us informed daily regarding the crop conditions in those various countries. They keep us informed regarding crops like rye, potatoes, and so forth. For instance, if Germany has a large crop of rye, then we know they will import less wheat. We try to keep ourselves accurately informed and as up-to-date as possible, and we do that continually from day to day. We do that in order that we may as intelligently as possible merchandise our wheat.

You will see, therefore, that this great organization of wheat growers has found it necessary to maintain its own men in the leading countries of the world in order to study the factors of supply and demand and the trends of the world's wheat production.

The United States Department of Agriculture can do no better service to the farmers of America than to make similar studies not only of the wheat problem, but all the problems which concern the export of all kinds of agricultural products in order that our producers will be fully and accurately informed as to market prices and probable competition in the future. This bill provides such a service and places it in that department of the Government whose function it is to promote the interests of agriculture, namely, the Department of Agriculture.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. PARKS, at the request of Mr. RAGON, indefinitely, on account of illness.

#### THE CEMENT TARIFF

Mr. LAGUARDIA. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by publishing a letter from the Board of Transportation of the City of New York in relation to the removal of cement from the free list.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LAGUARDIA. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include a letter from the Board of Transportation of the City of New York in relation to the removal of cement from the free list.

The letter is as follows:

BOARD OF TRANSPORTATION OF THE CITY OF NEW YORK,

New York, May 9, 1930.

Hon. FIORELLO H. LAGUARDIA,

House of Representatives, Washington, D. C.

DEAR SIR: The city of New York, as a municipality, as you are aware, is making extraordinary efforts to increase its transit and transportation facilities. Incidental to this effort it has under way a program involving expenditure of more than \$1,000,000,000. To carry out this program an immense amount of concrete must be used. The use of concrete involves the use of cement and the cost of cement is of vital importance

in connection with the solution of the city's transit and transportation problems. There is now pending before Congress a tariff bill made up of many schedules, one of which applies to cement.

With due consideration for the protection of American manufacturers and American labor, the city of New York, as a consumer of large amounts of cement, is desirous, of course, that cement can be purchased at the lowest reasonable rate. The board of transportation, which is now carrying out New York City's municipal program for rapid transit railroad expansion and which has also been charged with carrying out a program for relieving vehicular congestion by provision of borough and interborough tunnels to accommodate vehicular traffic, is now making contracts on behalf of the city that involve use of not less than 1,000,000 barrels of cement annually, and is likely to require larger quantities in the future.

Contracts have been made in the last three years by the board of transportation involving supply of the following quantities of cement:

*Year and cement requirements*

|           | Barrels   |
|-----------|-----------|
| 1927----- | 1,233,551 |
| 1928----- | 1,062,069 |
| 1929----- | 1,592,497 |

It is probable that the amount of concrete construction, and, therefore, the amount of cement to be used in 1930, and annually at least until 1935, will be in excess of the amount contracted for and used in 1929. This is due to the fact that the character of construction for both rapid transit tunnel and vehicular tunnel work will require a greater percentage of concrete in the immediate future than has been required in the past.

Cement for the concrete construction work in connection with provision for the municipally owned rapid transit railroad is supplied by a large number of mills. All of this cement is of domestic manufacture. While there is no prohibition in the specifications for supply of cement of foreign manufacture, these specifications do provide:

"Cement to be acceptable shall be of a well-known brand which has been in successful use by large engineering firms of the United States of America for at least five years and which has an established reputation for uniform character."

Bidders for rapid transit construction work have never applied to the board of transportation for permission in connection with provision of cement supplies to make use of cement of foreign manufacture, and since the board of transportation has represented the city of New York in this work no producer of cement of foreign manufacture has requested registration of foreign cement, or of inspection of such cement, with the purpose of entering into competition with cement of domestic manufacture.

Cement of the highest standard is specified in connection with the city's rapid transit construction work. The methods and product of all cement manufacturers complying with the specifications as to quality and who furnish cement to the city are constantly supervised and inspected. Every bag and barrel of cement is tested, and before shipment from mill has a city seal affixed. The concrete is also constantly supervised and tested in order that the city as a purchaser and the millions of users of the city's subways and tunnels may be amply protected.

It is the understanding of the board of transportation that there is in the tariff bill now before Congress a proposal to remove cement from the free list and impose a duty of 23 cents per barrel on cement of foreign manufacture. Since enactment of this schedule may result in an increase in the price of cement, the board of transportation desires you, as a Member of Congress from New York, to use every honorable endeavor to avoid unnecessary increase in the price of cement and cement products. This request is made in the light of knowledge that with cement on the free list the city of New York, as a large purchaser of cement for the doing of public work, has not found foreign cement to be in competition with cement of American manufacture.

Had the amount of the proposed tariff on cement (23 cents per barrel) been added to the price of cement purchased for the provision of an expanded municipal rapid-transit work during the year 1929, the increased cost of cement to the city would have been \$366,000. The city is attempting to provide a great rapid-transit system at a cost to the traveling public of 5 cents per passenger, and each \$1,000 added to the cost of producing the system will add just so much to the expense to the city in creation of rapid-transit facilities.

These rapid-transit railroads are now carrying an average of 7,000,000 passengers daily, and since these passengers are persons of moderate means, it is superfluous for this board to detail to you what it means to have all of the material entering into city-owned facilities of this character provided at the lowest price possible, giving at all times, of course, consideration to proper protection of American industry and American labor.

Very truly yours,

JOHN H. DELANEY, *Chairman.*

**MEMORIAL EXERCISES**

Mr. FRENCH. Mr. Speaker, the House of Representatives upon to-morrow will hold memorial services in memory of Members of the Senate and House of Representatives who have died

since the memorial services were held in the last session of the Seventieth Congress.

I ask unanimous consent that the order of exercises and proceedings of the service be printed in the RECORD of to-morrow.

The SPEAKER. The gentleman from Idaho [Mr. FRENCH] asks unanimous consent that the proceedings of to-morrow be printed in the RECORD. Is there objection?

There was no objection.

**EXTENSION OF REMARKS**

Mr. FRENCH. Mr. Speaker, I ask unanimous consent that all Members of the House be granted until the final issue of the RECORD of the present session as may be fixed by the Joint Committee on Printing the privilege of extension of their remarks in the RECORD on the life, character, and public services of Members of Congress in whose memory the services will be held.

The SPEAKER. The gentleman from Idaho [Mr. FRENCH] asks unanimous consent that all Members may have until the final issue of the RECORD of the present session as may be fixed by the Joint Committee on Printing the privilege of extending their remarks on the proceedings of to-morrow. Is there objection?

There was no objection.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the prohibition question, particularly as applicable to the State of Kansas.

The SPEAKER. The gentleman from Wisconsin [Mr. SCHAFER] asks unanimous consent to extend his remarks in the RECORD on the prohibition question. Is there objection?

Mr. STRONG of Kansas. Mr. Speaker, I object. I do not think the gentleman knows anything about it.

**TREE-PLANTING OPERATIONS ON NATIONAL FORESTS**

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill 3531, authorizing the Secretary of Agriculture to enlarge tree-planting operations on national forests, and for other purposes, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take from the Speaker's table Senate bill 3531, insist on the House amendments, and agree to the conference asked by the Senate. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. HAUGEN, PURNELL, and ASWELL.

**CHAIN STORES**

Mr. HENRY T. RAINEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of chain stores.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HENRY T. RAINEY. Mr. Speaker, under leave to extend my remarks in the RECORD I herewith print a speech made by myself over station WJSV at 7.30 o'clock p. m., Wednesday, May 14, 1930.

**THE MENACE OF THE CHAIN STORE**

It is not a difficult matter to get any group of citizens in any community in the United States to agree almost unanimously that the chain store is a real menace to the community. It is not difficult to assemble in any community in the country an enthusiastic meeting of citizens who will pass resolutions denouncing chain stores and their methods. It is easy to get candidates for Congress or for any of our State legislative bodies to agree that the activities of chain stores ought to be controlled and that, if possible, chain stores ought to be eliminated. It is easy to develop a tremendous sentiment against chain stores. Such a sentiment seems to exist throughout the United States to-day, and the citizens who pronounce them a menace, the individuals who assemble in mass meetings and who enthusiastically and unanimously pass resolutions will for a time stop patronizing chain stores, but ultimately the enthusiasm of the moment wears off—and this usually happens in a few days—and they commence again buying from the chain store in their immediate locality.

In the meanwhile chain stores continue to grow and to prosper and to extend their operations. Slowly independent merchants are yielding to the inevitable and closing up their places of business.

My observation of chain stores is that they do not contribute to churches; they take no active part in the life of the community; they pay practically no taxes; if a function is to be held, celebrating some event in the community life, it is the small, individual merchant who contributes. The chain store contributes nothing.

The stock of chain stores is listed on our exchanges and sold in large blocks every day. There are literally thousands of owners of every system of chain stores. The owners are the stockholders, scattered throughout the country; the only interest they have in the system in



which they hold stock is in the regular payment of their dividends on the stock they hold.

Some method must be found of restoring to the small, independent merchant his place in the life of every community.

#### THE CONSENT DECREE

Just at the present time the packers are organizing and are demanding a modification of the so-called consent decree entered against them in the Supreme Court a few years ago. This decree prevented them from entering into the manufacture or distribution direct to consumers of foodstuffs generally. They insist that an opportunity must be given them to compete with chain stores; inasmuch as chain stores are now invading their field they demand the opportunity to manufacture and distribute through chain-store systems of their own selection all kinds of foodstuffs, and some great farm organizations are joining them in this movement. The "consent decree" will probably be modified, and if it is, packers with unlimited capital will be able to compete, through chain-store systems of their own or of their own selection, for the business now controlled by the organized chain-store systems now in operation. When this occurs the real fight of the individual merchant for existence will be on.

Chain stores sell for cash and they do not deliver their goods—they keep no books—their goods reach them in trucks from central distributing points controlled by the system. They buy in large quantities and therefore buy cheap. Their system of distribution is effective and inexpensive. They can and frequently do sell cheaper than the independent merchant, and there is an irresistible urge on the part of consumers to buy where they can buy the cheapest. They display their goods in an attractive way and in attractive packages.

The coming of the chain store has revolutionized methods of distribution of foodstuffs and of drugs in the United States.

The question is, What are we going to do about it? Is the chain store a trust? If it is, we have ample laws on the statute books with which to deal with it. It may be that some of these organizations of chain stores are trusts and come within the law, but, in my judgment, not many of them can be charged with being trusts. Perhaps a successful proceeding in the courts could not be maintained against any of them.

#### THE TAXING POWER

We usually regulate propositions of this kind by resorting to the taxing power of the Federal Government. We put out of business the "wildcat bank" of pre-Civil War days by resorting to the taxing power—we taxed their circulation of notes.

A few years ago we destroyed the business of manufacturing sulphur matches by taxing the matches. The manufacture of sulphur matches had developed among its employees a dangerous disease known as phossy jaw, for which there was no known remedy, and we stopped the manufacture of phosphorus matches by simply taxing them.

We have practically prevented the sale of corn flour by taxing it, and the provision for taxing corn flour is the only part of the Spanish-American War tax which has not been repealed.

Is it possible to eliminate chain stores by resorting to the taxing power? The subject has been up before the committees of Congress and has been discussed many times. The Supreme Court has held that the power to tax carries with it the power to destroy, but in connection with an agitation of this kind for a tax, there is always present the question as to what is a chain-store system.

We have throughout the country, in towns of 5,000 and upwards, individual merchants who have commenced establishing in the town or city in which they operate, more than one establishment in which they distribute their goods. Is a merchant who operates more than one establishment in a small town, engaged in a chain-store business? In how many communities and how many stores must an individual or corporation operate before he can be charged with operating a chain-store system? To how many units ought the tax apply? Would a tax of that kind be upheld under our Constitution by our courts? These are the serious questions which confront tax makers whenever the question is presented.

#### ORGANIZATION

If community preservation is desirable, individual retail merchants must remain in business, and in order to remain in business it is very clear to me that they must organize in an effective way. After all, the business of merchandising is a finer art than the business of manufacturing. Capital is assembled now in great blocks to carry on our business of manufacturing, including, of course, the business of processing foodstuffs.

An article might be produced with a minimum of waste and it might be sold at an exceedingly low price, but if the consumer did not want the article so produced it would be a waste of money and time and of human life itself to attempt to sell it to them by any kind of high-pressure salesmanship. The independent retail dealer is perfectly familiar with the demands and requirements of the community in which he lives. He is in a better position than the manufacturer or chain-store manager to determine what his community wants.

We are engaged now in the business of mass production and there must be also mass distribution, and it seems to me that the independent

merchants must organize for the purpose of accomplishing a mass distribution of the articles in which the several communities are interested in such a way as to prove attractive. A great many independent merchants doing business in the old way must, of course, go out of business—only the progressive, small merchants will continue to live even under a system of mass distribution.

#### CREDIT SYSTEMS

Independent merchants must continue their credit systems. Chain-store merchants can never sell on credit—the success of their operation depends upon cash sales. At the present time, Henry Ford and others who think as he does, are urging credit sales with installment payments. Dr. Julius Klein, of our Department of Commerce, speaking, I presume, for the present administration, which so far seems to be a big-business administration, condemns the credit system as used by retail merchants. He describes the independent retail merchant as participating in the "lowest form of commercial life," and he commends the chain-store methods, with all the objectionable rebates they enjoy, as the ideal distributing system.

#### INVESTIGATIONS

Some months ago the Federal Trade Commission was required by a Senate resolution to ascertain whether chain-store consolidations had been effected in violation of the antitrust laws and to suggest how best they could be regulated if this was found to be necessary.

After months of investigation the Federal Trade Commission has announced that it has completed in some particulars its survey of chain stores in the city of Washington and has found that chain drug stores carry from ten to fifteen times as many items as the chain grocery stores carry and that chain tobacco stores carry several hundred items. The report made a few days ago to the Senate discloses the fact that this survey has been made in only two other cities, to wit, Cincinnati and Des Moines. No other details of the investigation have been made public.

The commission in its report says it has been handicapped by lack of personnel and by slow response to questionnaires, but announced that it hoped to complete its investigation, in two or three unnamed cities, by the end of the present year. At the rate in which this investigation is proceeding it will be 10 years, at least, before the Federal Trade Commission has anything of value to report, and if Congress waits on this investigation before adopting remedial measures, the individual merchant will be out of business in every community in the country and the necessity for legislation will have disappeared.

The legislation we need most now is a suitable appropriation in order to enable the Federal Trade Commission to employ a personnel sufficiently large to accomplish results and to reach conclusions within the next few months.

My observation in Congress, developed by an experience lasting over a quarter of a century of time, convinces me that an investigation such as is now being conducted by the Federal Trade Commission is the most effective method of killing any proposition upon which legislation is really needed.

The fight for an 8-hour day was carried on by labor organizations for 20 years before any effective results were accomplished, but during that period of time we had an investigation in progress before the Labor Committee of the House and the reports of that investigation, which nobody ever read, would fill an ordinary library. Finally the labor organizations succeeded in getting enough Members of Congress elected favorable to their propositions to bring about the enactment of all the present labor legislation including the present 8-hour law, and this was accomplished in a few months in 1912 after the assembling of a Congress which stood for their propositions and after the election of members pledged to carry out the things for which labor stood. Therefore, the necessity for organization among independent merchants is apparent. If legislation is possible along these lines it can be accomplished only by electing to Congress men who are pledged against chain-store operation and who are ready to vote for legislation of that character. In the meantime the retail merchants themselves must organize and must adopt, it seems to me, some system of mass distribution and mass buying. This might be accomplished by establishing regional individual retail merchant distributors throughout the country.

#### REGIONAL DISTRIBUTION

I recently talked with a shoe manufacturer in a New England State who claimed that \$5 was enough for any consumer to pay for a pair of shoes. He had several hundred employees, and was engaged in the business of manufacturing shoes to retail at \$5. I asked him how he distributed his shoes, and he told me he was manufacturing under an agreement with the chain-store systems of the country to sell only to them and to refuse to sell to individual retail merchants. Would it not be possible, when retail merchants organize, for a group of them to agree with some shoe manufacturer in their particular section to buy from him a shoe to retail at \$5? An organization of retail merchants can probably find a manufacturer who will agree to produce for them that kind of a shoe, provided they agree to purchase from him, and the same proposition might extend also to other items handled in the retail stores, including processed foodstuffs. There must be mass buying on

the part of the retail merchants, and this, of course, would mean mass distribution through the retail stores they own and control.

Retail merchants with their superior opportunities of becoming familiar with the articles demanded in the communities in which they do business are in a position, it seems to me, to organize for this kind of buying and distribution. Movements along this line can be promoted by such organizations as the Retail Grocers' Protective Association or the National League of Independent Merchants, now incorporated and operating in the District of Columbia. These organizations already issue a valuable monthly magazine, published exclusively in the interest of independent merchants. We need more organizations of this kind, or these particular organizations ought to extend their operations until their influence extends throughout the Nation.

The fight for community preservation is a real fight. Organization under the direction of some one or more organizations similar to the Retail Grocers' Protective Association or the National League of Independent Merchants is absolutely necessary. The independent merchants by some system of mass buying and mass distribution will be able to demonstrate his right to exist and the necessity for his existence, and when that is done the preservation of our communities will not be difficult.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. BUSBY, for an indefinite period, on account of illness in family.

#### BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 156. An act to authorize the disposal of public land classified as temporarily or permanently unproductive on Federal irrigation projects;

H. R. 1793. An act for the relief of Albert L. Loban;

H. R. 9850. An act to extend the times for the commencing and completing the construction of a bridge across the Ohio River at or near New Martinsville, W. Va.; and

H. R. 10248. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Moundsville, W. Va.

#### ADJOURNMENT

Mr. KETCHAM. Mr. Speaker, under the conditions with reference to the matter of the engrossed copy of the bill, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 36 minutes p. m.) the House adjourned until to-morrow, Thursday, May 15, 1930, at 12 o'clock noon.

#### COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, May 15, 1930, as reported to the floor leader by clerks of the several committees:

##### COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10 a. m.)

To subject certain immigrants, born in countries of the Western Hemisphere, to the quota under the immigration laws (S. 51).

##### COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To consider branch, chain, and group banking as provided in House Resolution 141.

##### COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

Authorizing the Secretary of the Navy to accept, without cost to the Government of the United States, a lighter-than-air base near Sunnyvale, in the county of Santa Clara, State of California, and construct necessary improvements thereon (H. R. 6810).

Authorizing the Secretary of the Navy to accept a free site for a lighter-than-air base at Camp Kearny, near San Diego, Calif., and construct necessary improvements thereon (H. R. 6808).

##### COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Second deficiency bill.

##### COMMITTEE ON FLOOD CONTROL

(10.30 a. m.)

To provide for a survey of the Salmon River, Alaska, with a view to the prevention and control of its floods (H. R. 12121).

To provide for a survey of the Colorado River, Tex., with a view to the prevention and control of floods (H. R. 11659).

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#### MILITARY AFFAIRS

(10.30 a. m.)

To amend the national defense act of June 3, 1916, in relation to the reorganization of the National Guard and Officers' Reserve Corps.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

466. A communication from the President of the United States, transmitting a supplemental appropriation for the Department of Justice for the fiscal year 1930, amounting to \$92,133, for the United States penitentiary at Atlanta, Ga. (H. Doc. No. 397); to the Committee on Appropriations and ordered to be printed.

467. A communication from the President of the United States, transmitting supplemental and deficiency estimates of appropriations for the District of Columbia for the fiscal year 1928, and prior years, \$4,724.60; for the fiscal year 1929, \$71,879.68; and for the fiscal year 1930, \$170,533.70; amounting in all to \$247,137.98 (H. Doc. No. 398); to the Committee on Appropriations and ordered to be printed.

468. A communication from the President of the United States, transmitting supplemental estimate of appropriations for the Treasury Department for the fiscal year 1930, \$509,000; also drafts of proposed provisions pertaining to existing appropriations and of proposed changes in estimates heretofore transmitted (H. Doc. No. 399); to the Committee on Appropriations and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. MONTET: Committee on Irrigation and Reclamation. S. 261. An act amending the act of January 25, 1917 (39 Stat. L. 868), and other acts relating to the Yuma auxiliary project, Arizona; without amendment (Rept. No. 1446). Referred to the Committee of the Whole House on the state of the Union.

Mr. SINCLAIR: Committee on Flood Control. H. R. 12129. A bill for the control of the destructive flood waters of the United States, and for other purposes; with amendment (Rept. No. 1447). Referred to the Committee of the Whole House on the state of the Union.

Mr. WURZBACH: Committee on Military Affairs. H. R. 3222. A bill for the relief of the State of Vermont; without amendment (Rept. No. 1452). Referred to the Committee of the Whole House on the state of the Union.

Mr. RANSLEY: Committee on Military Affairs. H. R. 8159. A bill to authorize appropriation for construction at the United States Military Academy, West Point, N. Y.; Fort Lewis, Wash.; Fort Benning, Ga.; and for other purposes; without amendment (Rept. No. 1453). Referred to the Committee of the Whole House on the state of the Union.

Mr. HALL of Illinois: Committee on the Judiciary. H. R. 11971. A bill to amend section 79 of the Judicial Code (U. S. C., title 28, sec. 152) by providing two terms of court annually at Bloomington, in the southern division of the southern district of Illinois; without amendment (Rept. No. 1456). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 12343. A bill to authorize the Secretary of the Treasury to accept donations of sites for public buildings; without amendment (Rept. No. 1457). Referred to the Committee of the Whole House on the state of the Union.

Mr. CARTER of Wyoming: Committee on Irrigation and Reclamation. S. 2890. An act granting the consent of Congress to compacts or agreements between the States of Oregon, Washington, Idaho, Montana, and Wyoming with respect to the division and apportionment of the waters of the Columbia River and all other streams in which such States are jointly interested; without amendment (Rept. No. 1458). Referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. IRWIN: Committee on Claims. H. R. 8438. A bill for the relief of J. T. Bonner; with amendment (Rept. No. 1442). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 9205. A bill for the relief of Julian E. Gillespie; with amendment (Rept. No. 1443). Referred to the Committee of the Whole House.



Mr. EATON of Colorado: Committee on the Public Lands. S. 2189. An act for the relief of certain stock-raising homestead entrymen in the State of Wyoming; without amendment (Rept. No. 1445). Referred to the Committee of the Whole House.

Mr. COOPER of Wisconsin: Committee on Foreign Affairs. S. 3221. An act to compensate Harriet C. Holaday; without amendment (Rept. No. 1448). Referred to the Committee of the Whole House.

Mr. GRANFIELD: Committee on Military Affairs. H. R. 6195. A bill for the relief of Joseph Faneuf; with amendment (Rept. No. 1449). Referred to the Committee of the Whole House.

Mr. GRANFIELD: Committee on Military Affairs. H. R. 6197. A bill for the relief of William Befuhs, alias Charles Cameron; with amendment (Rept. No. 1450). Referred to the Committee of the Whole House.

Mr. ESLICK: Committee on War Claims. H. R. 8461. A bill for the relief of the Concrete Steel Co.; without amendment (Rept. No. 1451). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 7917. A bill for the relief of Michael Carter, deceased; without amendment (Rept. No. 1454). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 5787. A bill for the relief of Carlton Olin, alias Stephen Cebra; with amendment (Rept. No. 1455). Referred to the Committee of the Whole House.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DYER: A bill (H. R. 12379) to admit to the United States Chinese wives of certain American citizens; to the Committee on Immigration and Naturalization.

By Mr. HALL of Illinois: A bill (H. R. 12380) to provide for the appointment of two additional district judges for the northern district of Illinois; to the Committee on the Judiciary.

By Mrs. OWEN: A bill (H. R. 12381) to provide for the establishment of the Everglades National Park in the State of Florida, and for other purposes; to the Committee on the Public Lands.

By Mr. BOX: A bill (H. R. 12382) to amend the immigration act of 1924 by making the quota provisions thereof applicable to the Republic of Mexico; to the Committee on Immigration and Naturalization.

By Mr. LEHLBACH: A bill (H. R. 12383) to transfer from the United States Shipping Board to the Treasury Department certain property located at Hoboken, N. J.; to the Committee on the Merchant Marine and Fisheries.

By Mr. ZIHLMAN: A bill (H. R. 12384) to authorize the Commissioners of the District of Columbia to close certain alleys and to set aside land owned by the District of Columbia for alley purposes; to the Committee on the District of Columbia.

By Mr. REECE: A bill (H. R. 12385) to provide benefits for women who served with the American Expeditionary Forces during the World War; to the Committee on Military Affairs.

By Mr. DOWELL: Joint resolution (H. J. Res. 335) to create the Federal highway traffic commission, and for other purposes; to the Committee on Roads.

By Mr. COLTON: Concurrent resolution (H. Con. Res. 32) to proclaim the third week in March as American conservation week; to the Committee on the Judiciary.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDRESEN: A bill (H. R. 12386) for the relief of John C. Seebach; to the Committee on Claims.

By Mr. BRIGHAM: A bill (H. R. 12387) granting an increase of pension to Albina S. Weston; to the Committee on Invalid Pensions.

By Mr. BUCKBEE: A bill (H. R. 12388) granting an increase of pension to Kate Lamb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12389) granting an increase of pension to Emma M. Johnson; to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Iowa: A bill (H. R. 12390) granting a pension to Susan McCleery; to the Committee on Invalid Pensions.

By Mr. DALLINGER: A bill (H. R. 12391) for the relief of Laban H. Davies; to the Committee on Claims.

By Mr. EATON of New Jersey: A bill (H. R. 12392) granting a pension to Rachel Caroline Pardoe; to the Committee on Invalid Pensions.

By Mr. FREEMAN: A bill (H. R. 12393) to advance on the retired list to the grade temporarily held in time of war Lieutenant David P. Marvin, of the Coast Guard, who was retired because of physical disability originating in line of duty in time of war; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 12394) granting an increase of pension to Mary A. Potter; to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 12395) granting an increase of pension to Cora M. Stout; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7271. Petition of the General Conference of the Methodist Episcopal Church South assembled in Dallas, Tex., urging Congress of the United States to comply with the request of the President relating to law enforcement; to the Committee on the Judiciary.

7272. By Mr. CULLEN: Resolution of the members of the New York Mercantile Exchange, favoring the amendment to House bill 108, whereby poultry and eggs have been eliminated from the provisions of said bill; to the Committee on Agriculture.

7273. By Mr. KORELL: Petition of citizens of Multnomah County, Oreg., favoring the passage of House bill 8976; to the Committee on Pensions.

7274. By Mr. WOLVERTON of West Virginia: Petition of F. S. Johnson, secretary board of directors, Clay County (W. Va.) High School, urging Congress to take favorable action on House bill 10821, providing Federal aid for vocational education in high schools; to the Committee on Education.

#### SENATE

THURSDAY, May 15, 1930

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

Almighty God, who knowest every changing thought of man, strengthen in us, we beseech Thee, the appeal of all that is true and beautiful, that evil may lose its power and insincerity be done away. Help us in these troublous times, by discipline, industry, and prayer, to refine, enlarge, and rightly employ our minds, lest these days of deeper knowledge involve us in a greater condemnation. Make us true to the light we see, that despite misunderstandings and suspicions which serve to arm the nations we may proclaim the dawning sense of brotherhood to the peoples of the world.

Remember those who feel no need of Thee, who seem content with a careless, unexamined life, and brood Thou upon their spirit until they stir to greet Thine own. All of which we ask through Jesus Christ our Lord. Amen.

#### THE JOURNAL

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Tuesday last, when, on request of Mr. Fess and by unanimous consent, the further reading was dispensed with and the Journal was approved.

#### MEMORIAL EXERCISES IN THE HALL OF THE HOUSE

Mr. JONES. Mr. President, beginning at 12 o'clock memorial exercises for deceased Senators and Representatives are to be held in the House of Representatives. It seems to me it is very fitting that as many Members of the Senate as possible should attend those exercises.

Mr. McNARY. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Oregon?

Mr. JONES. I yield.

Mr. McNARY. I understand the Senator from Washington is about to submit a motion for a recess. I want to say that if that motion is carried, and I think it should be, I shall ask for an adjournment this afternoon until to-morrow noon in order that we may take up the calendar to-morrow.

Mr. JONES. I was going to suggest that the Senate take a recess until 2 o'clock.

Mr. McNARY. Very well.

Mr. JONES. I ask unanimous consent that the Senate now take a recess until 2 o'clock this afternoon so as to enable all Senators who desire to do so to attend the exercises in the Hall of the House of Representatives.

Mr. BRATTON. Mr. President, let me inquire of the Senator from Oregon if that course be adopted whether he intends that